



## Planning Commission

The Planning Commission meets the second Wednesday of the month at 4:00 p.m. in the Board of Supervisors' Hearing Room. All meetings are open to the public. Those who wish to speak are asked to complete a "Speaker Information" form (available at the meeting) and submit it to County staff before the Call to Order.

The order and/or deletion of any item on the agenda is subject to modification at the meeting. Actions of the Planning Commission may be appealed to the Board of Supervisors by any interested party by submitting an application for appeal within 15 days. An application for appeal is available this afternoon with the Clerk, at the Community Development Department's office Monday through Friday between 8 A.M. and 5 P.M., or anytime on our webpage in the "Permits and Packets" link.

Packets and staff reports are available for review at the Community Development Department. Questions or concerns may be directed to Planning Department, at 520-432-9300. Agendas and minutes are posted on Cochise County's home page in the "Public Meeting Info" link.

Pursuant to the Americans with Disabilities Act (ADA), Cochise County does not, by reason of a disability, exclude from participation in or deny benefits or services, programs or activities or discriminate against any qualified person with a disability. Inquiries regarding compliance with ADA provisions, accessibility or accommodations can be directed to Chris Mullinax, Safety/Loss Control Analyst at (520) 432-9720, FAX (520) 432-9716, TDD (520) 432-8360, 1415 Melody Lane, Building F, Bisbee, Arizona 85603.

**COMMUNITY DEVELOPMENT DEPT.  
HOURS OF OPERATION**  
Monday through Friday  
7:30 a.m. to 5:00 p.m.  
Phone: 520.432.9240  
Fax: 520.432.9278



# Cochise County Planning Commission

Cochise County Complex  
Board of Supervisors' Hearing Room  
1415 W. Melody Lane, Building G  
Bisbee, Arizona 85603

**Regular Meeting**  
**September 9, 2015**  
**4:00 p.m.**

## AGENDA

### **1. 4:00 P.M. - CALL TO ORDER**

**2. ROLL CALL** (Introduce Commission members and explain quorum and requirements for taking legal action).

### **3. APPROVAL OF PREVIOUS MONTH'S MINUTES**

**4. CALL TO THE PUBLIC – CALL TO THE PUBLIC** – Pursuant to A.R.S. § 38-431.01 (H) this is an opportunity for the public to comment. Individuals are invited to address the Commission on *any issue within the Commission's jurisdiction*. Since Commissioners may not discuss items that are not specifically identified on the agenda, Commission action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date.

### **5. NEW BUSINESS**

**Item 1 - (Page 1) –PUBLIC HEARING -- Docket SU-15-14 (Parker):** A request for a Special Use Authorization to approve a large engine repair shop in a General Business (GB) zoning district at 2518 W Business I 10 in San Simon, AZ. The applicant is Larry Parker.

**Item 2 - (Page 21) - Docket Z-15-06 (Hidalgo) -** A request to rezone a .41-acre parcel from R-9 (Residential; one dwelling per 9,000-square feet) to MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft) located at the NW corner of the intersection of W Newell St. and S. Quetal Ave. in Naco, AZ. The Applicant is Raul Hidalgo.

**Item 3 - (Page 42) - PUBLIC HEARING -- Docket Z-15-07 (Kartchner)** - A request for a rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres) on a 621.11 acre parcel. The current zoning would allow the development of a 155-lot standard subdivision or a 208-lot conservation subdivision; the requested zoning would allow 310-lot standard subdivision or a 416-lot conservation subdivision. The Applicant is requesting the rezoning in order to submit an application for a Residential Conservation Subdivision of 295 one-acre lots with fifty percent open space along the San Pedro River located on Cascabel Road approximately 2.5 miles north of Interstate 10 in Benson, AZ. The Applicant is Mark M. Kartchner.

**6. PLANNING DIRECTOR'S REPORT, INCLUDING PENDING, RECENT AND FUTURE AGENDA ITEMS AND BOARD OF SUPERVISORS' ACTIONS.**

**Next P&Z Commission meeting  
October 14, 2015**

- a. SU-15-15 (Alzayed) Billboard San Simone
- b. SU-15-15 (Murphy) Powder Coating in Fry

**Board of Supervisors:  
October 20, 2015**

- a. Z-15-07 (Kartchner) Pomerene River Estates rezoning
- b. Z-15-06 (Hidalgo) Naco rezoning

**Upcoming:**

- a. Revision to sign code due to results of Reed v Town of Gilbert decision from US Supreme Court calling for a strict interpretation of content neutrality.

**7. CALL TO COMMISSIONERS ON RECENT MATTERS.**

**8. ADJOURNMENT**

**COCHISE COUNTY PLANNING & ZONING COMMISSION**  
**DRAFT MINUTES**  
**August 12, 2015**  
**REGULAR MEETING at 4:00 p.m.**

The regular meeting of the Cochise County Planning and Zoning Commission was called to order at 4:00 p.m. by Chairman Greene at the Cochise County Complex, 1415 Melody Lane, Building G, Bisbee, Arizona in the Board of Supervisors' Hearing Room. Mr. Greene admonished the public to turn off cell phones, use the speaker request forms provided, and to address the Commission from the podium using the microphone. He explained the time allotted to speakers when at the podium. He then explained the composition of the Commission, and indicated that there was one Rezoning Docket, two Special Use Authorization Dockets, on the agenda. Mr. Greene explained the consequences of a potential tie vote and the process for approval and appeal.

**ROLL CALL**

Mr. Greene noted the presence of a quorum and called the roll, asking the Commissioners to introduce themselves and indicate the respective District they represent; seven Commissioners (Jim Martzke, Gary Brauchla, Wayne Gregan, Patrick Greene, Liza Weissler, Tim Cervantes, Nathan Watkins, and Pat Edie) indicated their presence. Staff members present included; Mary Gomez, Interim Planning Director; Peter Gardner, Planner I; Jim Henry, Planning Intern; and Janet Smith, Planning & Zoning Technician.

**APPROVAL OF THE MINUTES**

**Motion:** Approve the minutes of the July 8, 2015 meeting. **Action:** Approve

**Moved by:** Mr. Martzke **Seconded by:** Mr. Watkins

**Vote:** Motion passed (**Summary:** Yes = 6, No = 0, Abstain = 2)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene and Ms. Edie

**No:** 0

**Abstain:** Ms. Weissler, Mr. Cervantes

**CALL TO THE PUBLIC:** Mr. Jack Cook of Bisbee spoke on various matters.

**NEW BUSINESS**

**Item 1 PUBLIC HEARING Docket Z-15-05 (Preble):**

A request to rezone one half acre parcel from R-36 (Residential, one dwelling per 36,000 square feet) to R-18 (Residential, one dwelling per 18,000 square feet) to legitimize a non-conforming parcel south of Sierra Vista, at 4409 E. Camino Segundo. The Applicant is Kristin Preble.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. Mr. Christopher Marcy, the Applicant's representative, explained the request, and offered to take questions.

Mr. David Satterlee spoke in opposition citing concerns regarding the easement across his property for access and concern the home might be an older mobile home. Mr. Greene invited Mr. Marcy to make a rebuttal, and Mr. Marcy stated that they would not install an older mobile home, and that they were supportive of relocating the access off Mr. Satterlee's property.

There being no further speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner recommended Conditional Approval with the amended condition abandoning only the access portion of the easement, leaving the utility easement in place. Mr. Greene called for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions recommended by Staff. Mr. Brauchla seconded the motion. After additional Commission discussion, Ms. Weissler moved to amend the previous motion to recommend zoning the parcel SM-18 to formally prohibit older mobile homes, and Mr. Cervantes seconded. Mr. Greene called for a vote, and the motion failed 4-4, with Mr. Brauchla, Ms. Weissler, Mr. Cervantes, and Mr. Watkins voted aye, and Mr. Martzke, Mr. Gegan, Mr. Greene, and Ms. Edie voting nay. There being no further discussion, Mr. Greene called for a vote on the original motion. The motion passed 7-0, with Ms. Weissler abstaining.

**Motion:** Motioned to Forward the Docket to the Board of Supervisors with a Recommendation of Approval with the amended Conditions recommended by Staff **Action:** Forward with a recommendation of Conditional Approval

**Moved by:** Mr. Martzke **Seconded by:** Mr. Brauchla

**Vote:** Motion passed (**Summary:** Yes = 7, No = 0, Abstain = 1)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gegan, Mr. Greene, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** Ms. Weissler

### **Item 2 PUBLIC HEARING Docket SU-15-13 (Solar Star):**

A request to approve a 20 megawatt Solar Energy Plant west of the existing fossil fuel plant on Highway 191 east of Dragoon. The Applicant is Solar Star Arizona XIII LLC.

Chairman Greene called for the Planning Director's report. Planner I Peter Gardner presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Gardner also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission. Mr. Greene asked Mr. Gardner how close the existing residences in the area were from the fossil fuel plant. Mr. Gardner stated that the homes were between one-quarter mile and one mile from the existing plant. Ms. Weissler asked how many homes were in the area. Mr. Gardner stated there were approximately 30 homes in the nearby area.

Mr. Greene then opened the Public Hearing. The Applicant, Mr. Robert Horwitz of Sun Power, spoke, explaining the background and nature of the request. He explained Sun Power's history and operations and discussed the benefits of the proposed project.

Mr. Greene then asked for speakers.

Mr. George Scott of Benson, a representative of the Southeast Arizona Economic Development Group spoke in support of the project and its economic benefits.

Ms. Meredith Lane of Cochise spoke, noting that she lived directly across Cochise Stronghold Road from the site. She expressed support of renewable energy, but had a number of questions. Ms. Lane asked why the project was not on the east side of Cochise Stronghold Road. She also expressed concern about siting of equipment, and asked why they could not take access across AEPCO property. She closed by asking if glare and weeds would be controlled.

Mr. David Rouzi Sr. of Cochise spoke, introducing himself as the president of the reconstituted HOA of the subdivision. He expressed concern about how the utility was being treated by the utility, and stated that all of the easements and roads in the subdivision were private property belonging to the property owners in the subdivision. Mr. Rouzi stated that the easements were for the sole use of the property owners. He stated that SSVEC had already been in the subdivision installing power lines, which he asserted were illegal.

Mr. Larry Catten of Bisbee, a representative of SEAGO spoke, supporting the economic benefits of the project.

There being no further speakers, Mr. Greene asked the Applicant to rebut. Mr. Horowitz addressed Mr. Rouzi's concerns, noting that the power lines were outside the scope of the request, and Sun Power was not involved in the lines. He then addressed Ms. Lane's concerns, explaining the site choice, the time frame of construction, and noise and dust control plans. Mr. Greene then closed the Public Hearing and invited discussion.

Ms. Weissler asked for details about the panel cleaning robots and how that would impact the number of permanent workers needed. Mr. Gegan asked about the transmission lines. Mr. Horowitz stated that SSVEC was handling the lines without Sun Power involvement. Mr. Watkins asked if there were plans for expansion. Mr. Horowitz stated that there were currently no plans. Mr. Watkins also asked about dust control. Mr. Horowitz stated that a middle ground between weed and dust abatement must be struck. Mr. Watkins asked staff if there were any issues with construction access being across AEPCO property. Mr. Gardner stated that there would be no issue with that, but staff was not comfortable requiring such access. Mr. Gegan asked staff why the lines came up in the previous solar docket. Mr. Gardner explained that docket was inside the electronic testing range, which gave the County some authority over the lines, but this site was outside of the range.

There being no further discussion, Mr. Greene asked for Staff's recommendation. Mr. Gardner did address several of the remaining questions from Ms. Lane and Mr. Rouzi. Mr. Gardner explained that the site was not east of Cochise Stronghold Road because AEPCO owned very few of the lots in the subdivision. Mr. Gardner suggested adding a condition requiring the Applicant to submit a weed and dust mitigation plan to address those issues. To address Mr. Rouzi's comments Mr. Gardner directed the Commission to look at the subdivision plat referenced, and read the dedication, noting that all of the right of ways and easements were dedicated to the public. He explained that this meant that the dedications were to the entire public, and compared the dedication to the Three Canyons area, where dedications were not to the public, but expressly to the property owners. Mr. Gardner then reiterated the fact that the Arizona Corporation Commission had sole authority over the line placement. Mr. Gardner then recommended Conditional Approval with the requested Modifications, adding a Condition requiring a weed and dust mitigation plan be submitted at Commercial Permitting and modifying the access Condition to permit access directly via AEPCO property. Mr. Greene called

for a motion. Mr. Martzke made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Mr. Cervantes seconded the motion. Mr. Greene called for a vote. The motion Passed 8-0.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Martzke **Seconded by:** Mr. Cervantes **Vote:** Motion passed (**Summary:** Yes =8, No =0, Abstain = 0)

**Yes:**

Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**Item 3 PUBLIC HEARING Docket SU-15-12 (Ramirez):**

A request to allow a Contract Construction Service electrician business at an R-36, Residential zoned property at 4520 N. Fort Grant Road in Willcox. The Applicant is Ronald Ramirez.

The Applicant is Solar Star Arizona XIII LLC. Chairman Greene called for the Planning Director's report. Planner I Jim Henry presented the Docket, explaining the background of the request utilizing photos, maps, and other visual aids. Mr. Henry also explained Staff's analysis of the request. He closed by listing factors in favor of and against approval and invited questions from the Commission.

Mr. Greene then opened the Public Hearing. Mr. Ronald Ramirez of Willcox spoke, explaining his request and inviting questions. There being no speakers in support or opposition, Mr. Greene closed the Public Hearing and invited discussion. There being no further discussion, Mr. Martzke asked for Staff's recommendation. Mr. Henry recommended Conditional Approval with the Modifications requested by the Applicant. Mr. Greene called for a motion. Mr. Gregan made a motion of Conditional Approval, with the Conditions and Modifications recommended by Staff. Ms. Weissler seconded the motion. There being no further discussion, Mr. Greene called for a vote. The motion passed 8-0.

**Motion:** Motioned to Approve the Docket with Conditions and Modifications recommended by Staff. **Action:** Conditional Approval with Modifications.

**Moved by:** Mr. Gregan **Seconded by:** Ms. Weissler

**Vote:** Motion passed (**Summary:** Yes = 8, No =0, Abstain = 0)

**Yes:** Mr. Martzke, Mr. Brauchla, Mr. Gregan, Mr. Greene, Ms. Weissler, Mr. Cervantes, Mr. Watkins, and Ms. Edie

**No:** 0

**Abstain:** 0

**PLANNING DIRECTOR'S REPORT:**

**Next P&Z Commission meeting**

**September 9, 2015**

- a. SU-15-14 (Parker) Large Engine Repair in GB
- b. Z-15-06 (Hidalgo) Rezoning R-9 to MR-1 in Naco
- c. Z-15-07 (Pomerene River Estates) Rezoning approximately 620 acres from RU-4 to RU-2 to facilitate a subdivision north of Pomerene
- d. R-15-03 (Planning Notification and Revocation) Regulations changes involving noticing and revoking planning dockets

**Upcoming:**

**Upcoming:**

**September 8, 2015 – Board of Adjustment 3**

- a. BA3-15-01 (Quail Ridge) – Request screening Variance at an existing RV and Mobile Home park

**Recent Board of Supervisors actions**

- a. Unanimous approval of Docket Z-15-04 (Klump) rezoning SR-8 to LI on July 28

**CALL TO COMMISSIONERS ON RECENT MATTERS:**

Mr. Greene raised the possibility of having meeting locations rotate throughout the County.

**ADJOURNMENT** – Mr. Martzke moved to adjourn, Mr. Watkins seconded, and the meeting was adjourned at 6:20 pm.



**Cochise County**  
**Community Development**  
**Planning, Zoning and Building Safety Division**  
*Public Programs...Personal Service*  
[www.cochise.az.gov](http://www.cochise.az.gov)

**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jim Henry, Planner  
**FOR:** Mary Gomez, Interim Planning Director  
**SUBJECT:** Docket SU-15-14 (Parker)  
**DATE:** August 27, 2015 for the September 09, 2015 Meeting

**APPLICATION FOR A SPECIAL USE AUTHORIZATION**

The Applicant is requesting a Special Use Authorization to approve a large engine repair shop in a General Business (GB) zoning district. The proposed use is considered repairs services, large engine and requires a Special Use Authorization per Section 1205.10 of the Zoning Regulations. The subject property, APN 303-05-001G, is located at 2518 W Business I 10 in San Simon, AZ. The applicant is Larry Parker.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size: 4.00-acres  
Zoning: GB (General Business)  
Growth Area: C-Rural Community Area  
Comprehensive Plan Designation: Developing (DEV)  
Area Plan: None  
Flood Zone: X  
Existing Uses: Vacant  
Proposed Uses: Large Engine Repair Shop

**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-36	Vacant
South	GB/I-10 W. Business	Vacant
East	GB	Vacant
West	RU 4/ W. Olga Rd.	Vacant

**Planning, Zoning and Building Safety**  
1415 Melody Lane, Building E  
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**Highway and Floodplain**  
1415 Melody Lane, Building F  
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[highway@cochise.az.gov](mailto:highway@cochise.az.gov)  
[floodplain@cochise.az.gov](mailto:floodplain@cochise.az.gov)





*Location map.*

## **II. PARCEL HISTORY**

July 2015 - Permit for a commercial septic system

July 2015 - Commercial permit for a 5000 sq. ft. small engine repair shop

## **III. NATURE OF REQUEST**

Due to current workload the applicant has outgrown his present location at the truck stop/travel plaza located directly across I-10 Business from the subject parcel. The applicant is proposing to relocate his business across the street from its current location to a vacant parcel of land and is requesting to expand the use of the subject parcel to allow for a large engine repair shop. A commercial permit for a small engine repair shop was submitted concurrently with the Special Use Authorization by the applicant with the intent of accelerating the construction of the site while the Special Use Authorization is being reviewed by staff.



*Center looking north towards railroad berm*

#### **IV. ANALYSIS OF IMPACTS – COMPLIANCE WITH SPECIAL USE FACTORS**

Section 1716.02 of the Zoning Regulations provides a list of ten factors with which to evaluate Special Use applications. Staff uses these factors to help determine the suitability of a given Special Use request, whether to recommend approval for a Special Use Permit, approval with conditions and/or modifications or denial.

Nine of the ten factors apply to this request. The project, as submitted, complies with eight of those nine factors; and will fully comply if a modification is granted for the ninth factor.

##### **A. Compliance with Duly Adopted Plans: Complies**

The project supports the goals of the Cochise County Comprehensive Plan including goals in the Economic Development and Land Use Elements. The Economic Development element supports entrepreneurship and small business and includes a policy encouraging development near infrastructure, which this proposal meets. The Land Use Element *encourages "an efficient provision of services and facilities within each zoning district."* Additionally, the proposal supports the Comprehensive Plan Rural Community Designation. An element of this particular designation calls for non-residential enterprises to generally serve the rural/agricultural community as well as visitors passing through, if located on a major arterial road. This proposal meets this provision of the comprehensive plan, as it will allow the applicant to continue to provide small engine and large engine repair services to the rural community of San Simon and is located on a major arterial, in this case I-10 Business.

##### **B. Compliance with the Zoning District Purpose Statement: Complies**

The GB (General Business) Zoning District (Section 1201 of the Zoning Regulations) is established:

- To provide appropriate areas for office uses, retail stores and service establishments in which the market area extends beyond the nearby neighborhoods;
- To provide wholesale or distribution activities in locations with adequate access to major streets and highways;
- To encourage concentrated development of commercial activities for the convenience of the public;
- To provide adequate space to meet the needs of commercial development, with adequate off-street parking and minimal traffic congestion; and
- To protect commercial uses from objectionable influences of industrial uses as well as incompatible residential development.

The proposal complies with the General Business (GB) Zoning District purpose statements in the following ways:

- 1: The location has adequate to access to major streets including I-10 W. Business and I-10 will have ample space for parking.
2. The location is in an area where a concentrated area of commercial truck activities already exists.
3. The nearest residential property is located approximately 1,967 ft from the subject parcel.

While a large engine shop is not allowed by right in a General Business (GB) zoning district. The General Business district is clearly intended to allow this type of use under the appropriate circumstances through the Special Use Authorization process.

**C. Development Along Major Streets: Complies**

The property takes access from I-10 Business and W. Olga Rd both access routes are maintained by ADOT. Although I-10 Business is maintained by ADOT, it is no doubt a major thoroughfare in the County.



*View from the southeast across property*

**D. Traffic Circulation Factors: Complies**

The County transportation planner has determined that given the remoteness of the site, the relatively small trip generation and the expected off-peak travel pattern of this business a traffic impact analysis or traffic report will not be required. Nor will any off-site improvements, e.g. turning lanes, will be required of the applicant.

**E. Adequate Services and Infrastructure: Complies**

The project site is serviced by existing utilities and will have a septic system for waste disposal. Additionally, the subject property will be serviced by the San Simon fire district. The site is accessed via exit 378 from I-10 to I-10 Business and W. Olga Road. Likewise, I-10 Business and W. Olga Road serve as the main access routes to the property. Accordingly, since both thoroughfares are maintained by ADOT, no right-of-way dedication is required.

**F. Significant Site Development Standards: Complies (with Modifications)**

The subject lies outside of the residential core of San Simon and consists mostly of vacant land, except for the truck stop and mechanic shops located just across I-10 Business from the subject parcel. The applicant is requesting waiver from the County's site development standards that requires 2 inch thick gravel for driving and parking areas in Category (C) Developing areas per section 1804.07.D. Staff does not support this request (see Section V). In addition, the applicant is requesting a waiver from the screening requirements that require a 6 foot wall between whenever a non-residential use abuts a residential land use per section 1205.05 of the zoning regulations. Staff supports this request (see Section V).

**G. Public Input: Complies**

The Applicant sent letters to property owners within 1,000 feet of the parcel to notify them of his application and to address any neighbor concerns. This notification produced no responses from neighboring property owners.

**H. Hazardous Materials: Complies with Conditions 6&7**

The Applicant will be using various engine repair related oils and solvents such as fuel and lubricants. Staff therefore recommends conditions related to proper storage and disposal of such substances.

**I. Off-Site Impacts: Complies.**

Most work will take place inside the maintenance garage. However, there may be times when outside repair work may occur. It is anticipated that an average of three trucks a day will be entering and leaving the property each day. The business will be in operation during normal business Monday through Sunday from 8 AM to 6 PM and will have approximately seven employees working in staggered shifts. The actual location of the site is located well away from any residential development, thus any adverse impact including noise or vibrations that may result from the Special Use Authorization should be mitigated by its relatively remote location.

**J. Water Conservation: Complies.**

The project is not located within the Sierra Vista Subwatershed area. No significant increase in water usage over the existing residential usage is expected.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

The Applicant has requested that the Commission allow the existing native driveway and parking area, to remain in its current condition. In addition, the Applicant is requesting waivers from the six foot solid screen requirement on the North side of the subject parcel for the purposing of screening a non-residential use from a residential in a Category C growth per Section 1203.5 of the zoning regulations. Staff supports the latter request as the adjacent property to the north consists mostly of railway right-of-way and is currently vacant. However, staff does not support the applicant's request to continue to use the native driveway as is.

The parcel is currently disturbed and is surrounded by sparse re-vegetated desert plants, many of which thrive in disturbed areas. The railroad is immediately adjacent to the north of the subject parcel is separated from the property by a largish sandy, dirt berm which carries storm-water occasionally but mostly carries blowing tumbleweeds, trash and dust. Thus staff has reservations about the request given the potential for blowing dust from this type of use, though staff acknowledges that the site is very large and located in an industrial area with previously disturbed soil, staff recommends that the applicant pave the driveway and parking services to mitigate the effects of blowing dust which may contain hazardous materials from leaking vehicles, equipment and or parts. In addition, a paved driveway would mitigate the potential for pot holes and other negative effects that the heavy equipment traversing the property will inevitably have on the property over time. At the very least, staff recommends that the Applicant comply with the Zoning Regulations that require a two inch thick layer of gravel to be applied to the parking and driving surfaces. While certainly not as effective as pavement, the application of gravel will no doubt mitigate the potential for blowing dust.



*Railroad drainage berm north of the subject property edge looking west*

#### **VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1,000-feet of the subject property on August 18, 2015. Staff posted the property on August 7<sup>th</sup>, 2015 and published a legal notice in the *Bisbee Observer* on August 21, 2015. In response to County mailings and the Applicant's mail out, neither the Planning Department nor the applicant have received a response to the request.

#### **VII. SUMMARY AND CONCLUSION**

The scope of the business is not expected to create any negative impacts upon neighboring property owners, nor create any significant increase in traffic, and the Comprehensive Plan supports the request. The proposal benefits the citizens of Cochise County, San Simon, and the trucking industry through the engine repair services Mr. Parker provides.

#### **Factors in Favor of Approving the Special Use**

1. With the requested Modifications, the request complies with all of the nine applicable Special Use factors used by staff to analyze this request; and
2. The Comprehensive Plan encourages supporting entrepreneurship and small business; and
3. The subject parcel is located an appropriate area for the proposed use;
4. The proposal will infill a vacant parcel of land that may not otherwise be developed;
5. The applicant has already begun the commercial permitting process and his ready to start construction;
6. This proposal will allow Mr. Parker to continue to serve the engine repair needs of San Simon and the trucking industry.

#### **Factor Against Allowing the Special Use**

None



### **VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends **Conditional Approval** with the requested Modification to site development standards, subject to the following Conditions:

1. Within 30-days of approval of the Special Use, the Applicant shall provide the County a signed Acceptance of Conditions form and a Waiver of Claims form arising from ARS Section 12-1134. Prior to operation of the Special Use, the Applicant shall apply for a building/use permit for the project within 12-months of approval. The building/use permit shall include a site plan in conformance with all applicable site development standards, except as modified, and with Section 1705 of the Zoning Regulations, the completed Special Use permit questionnaire and application, and appropriate fees. A permit must be issued within 18-months of the Special Use approval, otherwise the Special Use may be deemed void upon 30-day notification to the Applicant;
2. It is the Applicant's responsibility to obtain any additional permits, or meet any additional Conditions that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations, including the obtainment of an ADOT commercial access driveway through an approved ADOT Right-of-Way/Encroachment Permit in advance or concurrent with the Applicant's Commercial Permit application;
3. Any changes to the approved Special Use shall be subject to review by the Planning Department and may require additional Modification and approval by the Planning and Zoning Commission.
4. The applicant pave all parking and driving surfaces;
5. If paving is not possible, the applicant shall adhere to Site Development Standards per 1804.07.D of the Zoning Regulations which requires all parking and loading area and all driveways for all sites located in Category C (Rural Community Growth) areas to be improved with a two inch thick gravel surface, or with an equivalent or better surface approved by the Zoning Inspector;
6. Any fuels or other flammable materials related to the repair shop shall be stored in containers meeting National Fire Protection Standards;
7. All waste fuels, oils, or other potentially hazardous materials shall be disposed of per manufacturer's guidelines or industry standards; and

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A waiver of the requirements for screening per Section 1203.05 of the zoning regulations
2. A waiver from the requirements that every parking and loading area and all driveways to be improved with a two thick gravel per Section 1804.07.D be denied.

Sample Motion: *Mr. Chairman, I move to Conditionally Approve Docket SU-15-14, with the Conditions of Approval and Modifications and Waivers recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

### **IX. ATTACHMENTS**

- A. Application
- B. Site plan
- C. Agency comment memos



**COCHISE COUNTY**  
**COMMUNITY DEVELOPMENT**

*"Public Programs...Personal Service"*

**COCHISE COUNTY PLANNING DEPARTMENT**  
**COMMERCIAL USE/BUILDING PERMIT/SPECIAL USE PERMIT QUESTIONNAIRE**  
**(TO BE PRINTED IN INK OR TYPED)**

TAX PARCEL NUMBER 303-05-0016  
APPLICANT Larry Parker  
ADDRESS Po Box 146 San Simon, AZ 85632  
CONTACT TELEPHONE NUMBER 575-313-1909 Dusty Pierce  
EMAIL ADDRESS: —  
PROPERTY OWNER (IF OTHER THAN APPLICANT) —  
ADDRESS —

DATE SUBMITTED 7/20/15  
Special Use Permit Public Hearing Fee (if applicable) \$ 300.00  
Building/Use Permit Fee \$ —  
Total paid \$ —

**PART ONE - REQUIRED SUBMITTALS**

1. Cochise County Joint Application (attached).
2. Questionnaire with all questions completely answered (attached).
3. A minimum of (6) copies of a site plan drawn to scale and completed with all the information requested on the attached Sample Site Plan and list of Non-residential Site Plan Requirements. (Please note that nine (9) copies will be required for projects occurring inside the Uniform Building Code enforcement area. In addition, if the site plan is larger than 11 by 17 inches, please provide one reduced copy.)
4. Proof of ownership/agent. If the applicant is not the property owner, provide a notarized letter from the property owner stating authorization of the Commercial Building/Use/Special Use Application.
5. Proof of Valid Commercial Contractor's License. (Note: any building used by the public and/or employees must be built by a Commercial Contractor licensed in the State of Arizona.)

6. Hazardous or Polluting Materials Questionnaire, if applicable.

**OTHER ATTACHMENTS THAT MAY BE REQUIRED DEPENDING ON THE SCOPE OF THE PROJECT**

1. Construction Plans (possibly stamped by a licensed Engineer or Architect)
2. Off-site Improvement Plans
3. Soils Engineering Report
4. Landscape Plan
5. Hydrology/Hydraulic Report
6. Traffic Impact Analysis (TIA): **Where existing demonstrable traffic problems have already been identified such as high number of accidents, substandard road design or surface, or the road is near or over capacity, the applicant may be required to submit additional information on a TIA.**
7. Material Safety Data Sheets
8. Extremely Hazardous Materials Tier Two Reports
9. Detailed Inventory of Hazardous or Polluting Materials along with a Contingency Plan for spills or releases

The Commercial Permit Coordinator/Planner will advise you as soon as possible if and when any of the above attachments are required.

**PART TWO - QUESTIONNAIRE**

In the following sections, thoroughly describe the proposed use that you are requesting. **Attach separate pages if the lines provided are not adequate for your response.** Answer each question as completely as possible to avoid confusion once the permit is issued.

**SECTION A - General Description** (Use separate sheets as needed)

1. What is the existing use of the property? VACANT
2. What is the proposed use or improvement? 50'x100' metal Building  
for shop
3. Describe all activities that will occur as part of the proposed use. In your estimation, what impacts do you think these activities will have on neighboring properties? Vehicle & Engine  
Repair NO Impact on neighboring properties
4. Describe all intermediate and final products/services that will be produced/offered/sold.  
Vehicle & Engine Repair (Large)



5. What materials will be used to construct the building(s)? (Note, if an existing building(s), please list the construction type(s), i.e., factory built building, wood, block, metal)

Metal Building with wood framed office

6. Will the project be constructed/completed within one year or phased? One Year yes  
Phased      if phased, describe the phases and depict on the site plan.

7. Provide the following information (when applicable):

A. Days and hours of operation: Days: 10 Hours (from 8 AM to 6 PM)

B. Number of employees: Initially: 7 Future: ?  
Number per shift Seasonal changes None

- C. Total average daily traffic generated:

- (1) How many vehicles will be entering and leaving the site.

3

- (2) Total trucks (e.g., by type, number of wheels, or weight)

Average of 3 trucks per day

- (3) Estimate which direction(s) and on which road(s) the traffic will travel from the site?

East & West Traffic

- (4) If more than one direction, estimate the percentage that travel in each direction

50% each direction

- (5) At what time of day, day of week and season (if applicable) is traffic the heaviest

Between 8:00 AM to 6:00 PM

Circle whether you will be on public water system or private well. If private well, show the location on the site plan.

D. Estimated total gallons of water used: per day 25600 per year 6500

Will you use a septic system? Yes X No      If yes, is the septic tank system existing?

Yes      No X Show the septic tank, leach field and 100% expansion area on the site plan.

- G. Does your parcel have permanent legal access\*? Yes ☒ No ☐ if no, what steps are you taking to obtain such access?

\*Section 1807.02A of the Cochise County Zoning Regulations stipulates that no building permit for a non-residential use shall be issued unless a site has permanent and direct access to a publicly maintained street or street where a private maintenance agreement is in place. Said access shall be not less than twenty (20) feet wide throughout its entire length and shall adjoin the site for a minimum distance of twenty (20) feet. If access is from a private road or easement provide documentation of your right to use this road or easement and a private maintenance agreement.

- H. For Special Uses only - provide deed restrictions that apply to this parcel if any.

Attached ☐ NA ☒

8. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	San Simon	
Sewer/Septic	Septic	
Electricity	SSVEC	
Natural Gas	—	
Telephone	Valley Telephone	
Fire Protection	San Simon Volunteer	

#### SECTION B - Outdoors Activities/Off-site Impacts

1. Describe any activities that will occur outdoors.

Vehicle Repair

2. Will outdoor storage of equipment, materials or products be needed? Yes ☒ No ☐ if yes, show the location on the site plan. Describe any measures to be taken to screen this storage from neighboring properties. no neighbor in vicinity

3. Will any noise be produced that can be heard on neighboring properties? Yes ☐ No ☒ if yes; describe the level and duration of this noise. What measures are you proposing to prevent this noise from being heard on neighboring properties?

4. Will any vibrations be produced that can be felt on neighboring properties? Yes \_\_\_ No ☒ If yes; describe the level and duration of vibrations. What measures will be taken to prevent vibrations from impacting neighboring properties? \_\_\_\_\_

5. Will odors be created? Yes ☒ No \_\_\_ If yes, what measures will be taken to prevent these odors from escaping onto neighboring properties? No odors should reach

neighboring properties

6. Will any activities attract pests, such as flies? Yes \_\_\_ No ☒ If yes, what measures will be taken to prevent a nuisance on neighboring properties?

7. Will outdoor lighting be used? Yes ☒ No \_\_\_ If yes, show the location(s) on the site plan. Indicate how neighboring properties and roadways will be shielded from light spillover. Please provide manufacturer's specifications.

8. Do signs presently exist on the property? Yes \_\_\_ No ☒ If yes, please indicate type (wall, freestanding, etc.) and square footage for each sign and show location on the site plan.

A. \_\_\_\_\_ B. \_\_\_\_\_ C. \_\_\_\_\_ D. \_\_\_\_\_

9. Will any new signs be erected on site? Yes \_\_\_ No ☒ If yes, show the location(s) on the site plan. Also, draw a sketch of the sign to scale, show the copy that will go on the sign and **FILL OUT A SIGN PERMIT APPLICATION** (attached).

10. Show on-site drainage flow on the site plan. Will drainage patterns on site be changed?

Yes \_\_\_ No ☒

If yes, will storm water be directed into the public right-of-way? Yes \_\_\_ No ☒

Will washes be improved with culverts, bank protection, crossings or other means?

Yes \_\_\_ No ☒

If yes to any of these questions, describe and/or show on the site plan.

11. What surface will be used for driveways, parking and loading areas? (i.e., none, crushed aggregate, chipseal, asphalt, other)

Crushed Aggregate

12. Show dimensions of parking and loading areas, width of driveway and exact location of these areas on the site plan. (See site plan requirements checklist.)

13. Will you be performing any off-site construction (e.g., access aprons, driveways, and culverts)?  
Yes \_\_\_ No ☒ If yes, show details on the site plan. **Note: The County may require off-site improvements reasonably related to the impacts of the use such as road or drainage improvements.**

### **SECTION C - Water Conservation and Land Clearing**

1. If the developed portion of the site is one acre or larger, specific measures to conserve water on-site must be addressed. Specifically, design features that will be incorporated into the development to reduce water use, provide for detention and conserve and enhance natural recharge areas must be described. The Planning Department has prepared a *Water Wise Development Guide* to assist applicants. This guide is available upon request. If the site one acre or larger, what specific water conservation measures are proposed? Describe here or show on the site plan submitted with this application.

N/A

2. How many acres will be cleared? 1 Acre  
If more than one acre is to be cleared describe the proposed dust and erosion control measures to be used (Show on site plan if appropriate.)

### **SECTION D - Hazardous or Polluting Materials**

Some businesses involve materials that can contaminate the soil, air, water, waste disposal system or environment in general. Precautions must be taken to protect the environment when such products are distributed to or from the site, stored, manufactured, processed, disposed of, or released as raw materials, products, wastes, emissions, or discharges (When sold or incorporated in a product these materials are required to have Material Safety Data Sheets (MSDS) supplied by the manufacturer.) Examples of such products include but are not limited to paint, solvents, chemicals and chemical wastes, oil, pesticides, herbicides, fertilizers, radioactive materials, biological wastes etc.

Does the proposed use have any activities involving such materials? yes

Yes ☒ No \_\_\_ If yes, complete the attached *Hazardous or Polluting Materials Use Questionnaire*.

**Note:** Depending on quantities, this question does not apply to ordinary household or office products or wastes such as cleansers, waxes or office supplies. Answer YES only if the materials are involved in the commercial or special use process or if landscaping or maintenance chemicals (pesticides, fertilizers, paints, etc.) will be present in quantities greater than 50 pounds (solids) or 25 gallons (liquids).

If you answer NO to this question but in the County's experience, the type of business proposed typically uses such materials, you will be asked to complete the *Hazardous or Polluting Materials Questionnaire* prior to processing this Commercial Use/ Building/ Special Use Permit.

Applications that involve hazardous or polluting materials may take a longer than normal processing time due to the need for additional research. The Arizona Department of Environmental Quality Compliance Assistance Program can address questions about Hazardous Materials (1-800-234-5677, ext. 4333).

#### SECTION E - Applicant's Statement

I hereby certify that I am the owner or duly authorized owner's agent and all information in this questionnaire, in the Joint Permit Application and on the site plan is accurate. I understand that if any information is false, it may be grounds for revocation of the Commercial Use/ Building/ Special Use Permit.

Applicant's Signature Larry Parker

Print Applicant's Name LARRY PARKER

Date signed 7/20/15

To whom concerned:

7/17/15

This letter is to inform you of a metal building, 50'x100', to be built in the central area of parcel #303-05-001G,(see map attached), for the purpose of vehicle and engine repair.

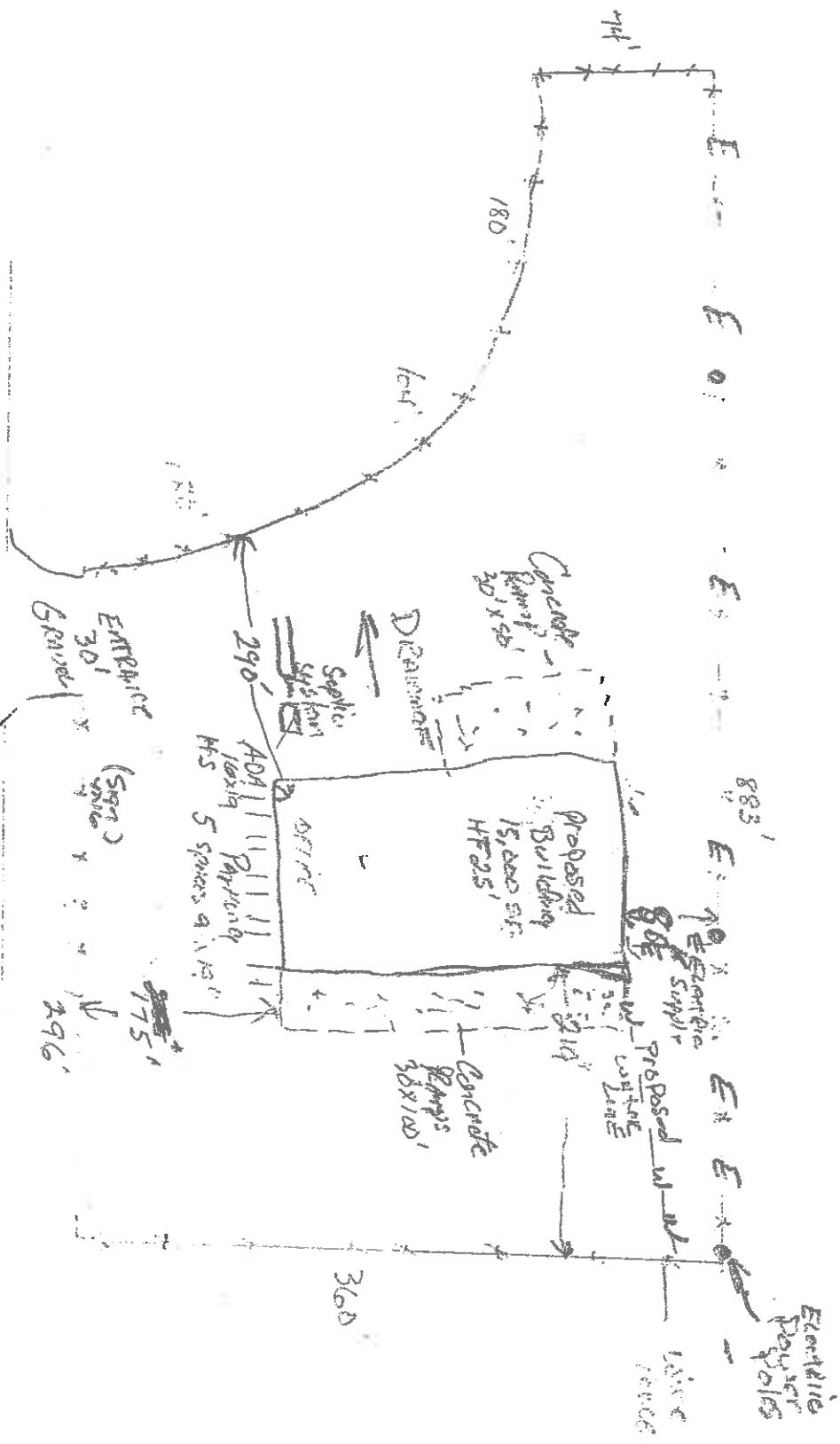
This letter is required by Cochise County Community Development Department located in Bisbee, Arizona. 520-432-9300, submit all questions to them.

*Project SITE: San Simon, AZ.*

Thank You,

D Pierce Builders

A handwritten signature in black ink, appearing to read "D Pierce", written in a cursive style.



Zone: Business

Site AREA 44c

Legal Description S25, T135, R30E

Cassia County

Parcel # 303-05-0015

NOT TO SCALE



**Cochise County  
Community Development  
Highway and Floodplain Division**

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**MEMORANDUM**

**Date:** August 13, 2015 REVISED  
**To:** Jim Henry, Planner  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** Parker Engine Repair – San Simon/SU 15-14/Parcel #303-05-001G

This applicant has submitted an application to re-locate an existing engine repair service business to an adjacent property, zoned GB/Growth Area C. A Commercial Permit, CP 15-0739, was concurrently submitted for small engine repair work with the intention of the applicant to accelerate the construction of the site with this Commercial Permit while processing his Special Use Authorization request.

**Special Use Authorization Conditions**

We have no objection to issuing the requested Special Use Authorization with the following conditions and advisory notes to the applicant:

1. The applicant is required to obtain and complete an ADOT commercial access driveway through an approved ADOT Right-of-Way/Encroachment Permit in advance or concurrent with their Commercial Permit application.
2. A revised site plan will be required at the Commercial Permit phase.

**Background**

The applicant has concurrently applied for both a Commercial Permit and a Special Use Authorization. Issues under review by this department for access are the same for both permit processes and this department has chosen to review these two permits together. The applicant was advised of the potential risk that the Special Use may or may not be approved and the conditions of that approval would be unknown to both the applicant and to County staff.

**Traffic Analysis**

Access is taken off of the business route for I-10 through San Simon. The parcel's western boundary is Olga Rd., an ADOT owned frontage road facility. Both potential access routes are within ADOT's jurisdiction. Average daily traffic on this segment of Interstate 10 is roughly 13,700 vehicle trips per day (2012 traffic counts). The Cochise County existing condition

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planningandzoning@cochise.az.gov

17 C



traffic model shows the I-10 business route through San Simon to range from an estimated 575 to 409 vehicle trips per day.

Small repair shop trip generation models typically over estimate small, family owned, repair services in rural areas. This use is more appropriately treated as general light industrial use with ranges, based on proposed square footage of workspace and number of employees, between 7 to 50 vehicle trips per day. The lower range is more likely as the number of employees (4) suggests an average 12.08 trip generation of per day. The commercial aspects of this site results in a slight increase in turning movements in and out of the parcel; however, most of these would likely be occurring during off-peak hours and would not be clustered during any specific time of the day. Many of the customers are in larger vehicles, including semi-trucks and vehicles being towed to the site. Adequate turning radii will be needed to accommodate this type of vehicle.

Given the remoteness of the site, the relatively small trip generation and the expected off-peak travel pattern of this business a traffic impact analysis or traffic report will not be required. No off-site improvements e.g. turning lanes appear to be needed and no off-site improvements will be required of the applicant.

#### **Driveway Access**

This site previously had an unimproved, possibly unauthorized or residential, native surfaced driveway located near the western end of the site (under a different owner). A commercial apron would now be required at the commercial permitting stage and the applicant will be required to coordinate with ADOT to obtain a Right-of-Way/Encroachment Permit and appropriate design standards for a commercial apron.

Commercial uses typically require a commercial driveway apron, and in this case, the industrial use combined with the known higher volume of larger trucks, it is recommended that the applicant provide for an ADOT commercial apron of a minimum of 40 feet, with an additional radii meeting current ADOT standards. A hard surfaced apron would be required that matches or exceeds the ADOT pavement surface type.

It is highly recommended that the applicant reach agreement with ADOT on the driveway access location prior to placing their foundation for the commercial building.

The commercial apron should align with the adjacent parcel driveway entrances. The existing, non-standard, access may not be the appropriate location given its proximity to the Olga Rd. intersection. Given the drainage constraints along the north boundary of the Business Route I-10 it is likely that either the second or third driveway point (on the adjacent parcel) be used for aligning this access point. However, if ADOT approves the existing location for this commercial use, the County will defer to their judgment and is not opposed to converting the existing location into an access for this commercial use given the relatively minimal traffic this use is expected to generate.

The applicant is responsible for coordinating their ROW/Encroachment Permit with ADOT and completing an approved driveway access in advance of a Certificate of Occupancy for this use. If a temporary construction driveway is desired, that request would also be reviewed and approved by ADOT. It is the understanding of this department that the applicant is in touch with ADOT and has submitted an initial application for this needed access driveway.

### **Site Plan Deficiencies**

The site plan submitted with the Special Use Authorization application is adequate for a conceptual plan. It is not adequate at the Commercial Permit stage. Typically, at the Special Use phase the applicants are advised of potential deficiencies in their site plan to address at the Commercial Permit stage. In this case, the applicant has been advised of these deficiencies during the review process for his first commercial permit (under review in early August). The approved site plan for the first Commercial Permit should be modified to include whatever conditions and/or modifications are approved by the Planning and Zoning Commission.

The revised site plan should include information about traffic circulation on the site, travel lanes, outdoor storage areas, and surface type for parking, travel lanes, staging and work areas. Additional details for the access driveway, including sight distance triangles, will also need to be included in the final site plan for this project.

### **Site Standards**

The applicant's existing business site includes hard surfaced parking areas, travel lanes and cement staging areas for large engines under repair. Materials are also stored on native-surfaced areas adjacent to the work building. The current site plan indicated concrete ramps but does not clearly delineate outdoor storage areas or plans to hard surface any of these staging areas. Given the size of the parcel, the size of many of the materials or stored vehicles for this use, and the remote industrial nature of the area, the applicant may desire to apply for a modification from the Zoning Regulation requiring all of the parking, storage and travel lanes to be graveled surfaces.

The applicant may be intending to carry over the site conditions from their existing site but if not the applicant should apply for this modification from the Planning Commission. This department would not have an objection to such a modification as long as provisions are made for addressing hazardous waste (e.g. oil spills) on the site. As the business develops over time, the applicant would be encouraged to continually improve the site conditions and provide appropriate gravel or hard-surfaced work areas on the site.



## **Cochise County Community Development**

### **Highway and Floodplain Division**

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## **INTEROFFICE MEMO**

**Date:** August 7, 2015  
**To:** Jim Henry, Planner  
**From:** Pam Hudgins, Right-of-Way Agent II  
**Subject:** Special Use Permit For Parker (SU-15-14)

**Background:** Larry Parker is requesting a Special Use Permit for Assessor Parcel Number 303-05-001G to approve an engine repair shop in a General Business (GB) zoning district. The proposed use is considered large engine repair service and requires a Special Use Authorization per Section 1205.10 of the Zoning Regulations. Right-of-Way Staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

### **Analysis:**

- Access for the subject parcel is from I-10 at mile marker 378 North side of the interstate near the intersection of W. Olga Road located in San Simon, AZ. Olga Road serves as the Westerly boundary of the subject parcel. Interstate 10 serves as the Southerly boundary of the subject parcel.
- Adjoining the subject parcel, W. Olga Road is not a county maintained road.
- Adjoining the subject parcel I-10 is not a county maintained road.

### **Recommendation:**

- No need for right-of-way dedication is required for W Olga Road at this time.
- No need for right-of-way dedication is required for the North side of I-10 at this time.

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**MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jim Henry, Planner  
**FOR:** Mary Gomez, Interim Planning Director  
**SUBJECT:** Docket Z-15-06 (Hidalgo)  
**DATE:** August 27, 2015 for the September 9, 2015 Meeting

**APPLICATION FOR A REZONING**

The Applicant is requesting a rezoning from R-9 (Residential; one dwelling per 9,000-square feet) to MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft). The subject parcel is 0.41-acres in size. The rezoning request is to facilitate the applicant's desire to split the lot in a manner that would not meet the lot dimension requirements of the R-9 zoning district. Rezoning to MR-1 would reduce the minimum lot size, and would therefore allow the applicant to legally split the property between the residential dwellings creating two separate parcels. The subject parcel, APN 102-57-301 is located at the NW corner of the intersection of W Newell St. and S. Quetal Ave. in Naco, AZ. The Applicant is Raul Hidalgo.

**I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size:	21,746 square feet (0.50 acres)
Current Zoning:	R-9 (Residential; one dwelling per 9,000-square feet)
Proposed Zoning:	MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft)
Growth Area:	C-Rural Community Area
Comprehensive Plan Designation:	Medium Density Residential
Area Plan:	Naco Area Plan
Existing Uses:	Residential
Proposed Uses:	Residential

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**Zoning/Use of Surrounding Properties**

Relation to Subject Parcel	Zoning District	Use of Property
North	R-9	Single Family Residences
South	R-9	Single Family Residences
East	R-9	S. Quetal Ave/Single Family Residences
West	R-9/Alley	Camp Naco

*Location map***II. PARCEL HISTORY**

2000 – Addition to dwelling unit

2001– 700 sq. ft garage addition, 500 sq. ft enclosed porch, and a enlarged carport to 434 sq. ft.



### **III. NATURE OF REQUEST**

The applicant currently shares ownership of less than a half an acre of land with his ex-wife and on which two dwellings have been constructed and are currently in use. However, since their marriage has dissolved the applicant who owns the residence at 2048 W. Newell St., and the applicants ex-wife who owns the adjacent residence at 2042 W. Newell St., now desire to create separate parcels each with their own dwelling unit for property tax purposes. No new structures or additional density is planned; no change of access is planned.

The subject parcel's area equals approximately 18,007.52 sq. ft. of which two lots are proposed. Due to the siting of the two residential units a lot split between the dwellings would result in two lots, one with a lot area of approximately 7440 sq. ft. and the other lot with a lot area of approximately 10,560 sq. ft. Though one lot would conform to the present zoning regulations, the other parcel would not, nor would it qualify for a lot modification by the Zoning Inspector. Per section 1715.02 of the Zoning Regulations the minimum site area for lots less than one acre can be reduced up to 10% from the minimum lot size of the zoning district by the Zoning Inspector. In this case 10% of 9000 sq. (which is the minimum lot size in the R-9 zoning designation) would equal 900 sq. ft. Thus a lot area of 8100 sq.ft. could be approved administratively. However, the proposed parcel would far size would exceed the 10% lot size modification exemption by approximately 660 sq. ft. and would therefore not qualify for a lot modification exemption by the Zoning Inspector.

### **IV. ANALYSIS OF IMPACTS**

#### **Mandatory Compliance**

The subject property lies within a C-Rural Community Area. Section 402 of the Zoning Regulations allows owners of property within this Plan Designation to request a rezoning to MR-1.

#### **Compliance with Rezoning Criteria**

Section 2208.03 of the Zoning Regulations provides fifteen (15) criteria used to evaluate rezoning requests. Ten of the criteria are applicable to this request, which, as submitted, complies with eight of the applicable factors. With the recommended conditions the request complies with all of the applicable factors.

#### **1. Provides an Adequate Land Use/Concept Plan: Not applicable**

The proposal is to rezone a 0.41 acre parcel of land to allow the applicant to split the parcel creating two separate tax parcels, where two residential dwellings currently exist, no new density or development is being proposed.

#### **2. Compliance with the Applicable Site Development Standards: Complies with (modifications)**

The property meets all site development standards in the MR-1 zoning district, except for the setback requirements for accessory structures that about a Residential zoning district. Accordingly, the applicant is requesting a waiver from this requirement (see Section V).



*View of the existing homes facing north from W. Newell St.*

### **3. Adjacent Districts Remain Capable of Development: Complies**

The proposed rezoning would not affect the development prospects of any neighboring property. All surrounding properties are currently developed.

### **4. Limitation on Creation of Nonconforming Uses: Complies**

The proposal would not create any non-conforming land uses. An approval of the rezoning would allow the lot to be split a legal manner that would abide by the zoning regulations.

### **5. Compatibility with Existing Development: Complies**

No changes to the current structures is being proposed at this time,

### **6. Rezoning to More Intense Districts: Complies**

This proposal is unique in that no new density or new development is being proposed at this time; all that is essentially changing is the underlying zoning to facilitate a lot split. Thus the proposal will not cause harm to the adjoining parcels since the density is already in place. While small, isolated rezonings to more intense districts are generally discouraged to avoid "spot zoning" the request is in fact not "spot zoning".

The courts have established two requisites that must coexist in order for a rezoning request to be considered "spot zoning". First, a change of the zoning must be applicable to a small area and second, the change of zoning must be out of harmony with a municipality's comprehensive planning for the good of the community (Landcaster development Ltd. V. Village of River Forest, 1967). Clearly the nature of the request meets the first requisite being that it is less than half an acre in size. However, it does not meet the second requisite, as it very much in harmony with the County's Comprehensive plan.

The Proposal complies with the County's Comprehensive:

Rural Community Area's Category C in the Comprehensive plan calls for "residential and non-residential development to be clustered in settlements on a variety of lot sizes as typified in established townsites and immediate environs" (Section 403.03.A of the Zoning Regulations).

- This proposal will add to the diversity of lots sizes in Naco and will offer future residents an

additional zoning category to choose from in an area that is dominated by the R-9 zoning district (see attached map D).

Moreover, the rezoning will not offer much if any unjustified special treatment or any significant increase in uses that are not currently allowed in R-9 zoning districts.

Permitted Uses	R-9	MR-1
All single- and multiple-household dwellings.	X	X
Mobile home, manufactured home, or recreational vehicle parks, subject to the maximum densities in Section 704.01. The standards set forth in Article 18 shall apply.	X	
Utility installations not otherwise exempted by Article 20, other than electric generation plants, regional sewage treatment plants, solid waste	X	X
Churches or places of religious worship.	X	X
Residential care homes.	X	X
Emergency vehicle stations not otherwise exempted by Article 20.	X	X
Bed and breakfast home stay, subject to procedures in Article 17.	X	X
Bed and breakfast inn, subject to procedures in Article 17.	X	X
Indoor and/or unlighted outdoor recreational facilities approved as part of a subdivision review process for subdivision residents and guests only.	X	
Civic, social, fraternal, or business associations approved as part of a subdivision review process for subdivision residents and guests only.	X	
Unlighted riding stables, commercial, on a minimum site of 10-acres approved as part of a subdivision review process for subdivision residents and guests only.	X	
Community Gardens.	X	X
Group quarters.		X
Educational services.		X

#### **7. Adequate Services and Infrastructure: Complies**

The site is currently developed and served by all necessary infrastructure including sewer and water.

#### **8. Traffic Circulation Criteria: Complies**

Due to the fact that no new construction is being proposed, the County transportation planner has determined that this particular land use change should not adversely affect nor change traffic patterns in the neighborhood; though, it may create conditions for future transportation impacts. It is unlikely that the proposed re-zoning will change the general nature of the present land use, nor is it likely to adversely impact traffic circulation or trip generation in the area.

#### **9. Development Along Major Streets: Complies**

Access for the subject parcel is taken from West Newell Street and South Quetel Avenue both roads are maintained by the County. County right-of-way staff has determined that there is no right-of-way dedication required for W. Newell St. or Quetel Ave. at this time.



**10. Infill: Not Applicable**

This Factor applies only for rezoning requests to GB, LI or HI.

**11. Unique Topographic Features: Complies**

There are no exceptional topographic features warranting consideration on or near the site.

**12. Water Conservation: Does not apply at this time.**

The property is within the Sierra Vista Sub-watershed, but is currently developed. No new construction is being proposed. If the rezoning is approved and either home is replaced in the future, all appropriate water conservation measures required by the zoning regulations will apply.



*View of the both homes to the northwest from W. Newell St.*

**13. Public Input: Complies**

The Applicant completed the required Citizen Review process and has not received a response as of the date of this memo. Staff posted the property on August 25, 2015, and published a legal notice in the *Bisbee Observer* on August 21, 2015. The Department also mailed notices to property owners within 1,000-feet of the site on August 18, 2015. To date, staff has received no objections or concerns about the request, from nearby property owners.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed as part of the future residential development plan.

**15. Compliance with Area Plan:**

The subject property lies within the Naco Area Plan and is compliant.

The Naco Area Plan calls for large areas of high density residential development, especially in those areas within close proximity to the international border with Mexico (see attachment E). However, since its adoption in February of 1998 a vast majority of Naco is still zoned R-9 (Residential; one dwelling per 9,000-square feet). The plan characterizes high density as: 3100 square feet to 9000 square feet (up to 14 units per acre). Although the proposal on paper may be considered high density, in reality since no new development is being proposed it is essence still medium density and in conformance with the Naco Area plan. While the location of the proposal lies outside of the areas the Naco Area Plan has designated as high density, should a higher density proposal be presented to the County in the future, it will be conformity with the general principals of the plan which does call for higher density residential development within Naco. Though (should the condition be approved) any change in residential density will require careful review by staff and approval of the Planning and Zoning Commission as well as the Board of Supervisors.

The Proposal complies with the Naco Area Plan:

The Naco Area plan permits new high density residential development outside the historic Naco Townsite "so long as safe and adequate infrastructure and public services are available or provided to handle additional density including but not limited to: schools; law enforcement; fire protection; roads; water and waste disposal systems (Section II, Policy 2).

- The proposal meets this provision of the Naco Area plan as there is indeed sufficient and safe infrastructure currently in place to meet the needs of the existing dwelling units.

**V. MODIFICATIONS TO DEVELOPMENT STANDARDS**

The applicant is requesting a waiver from the setback requirements per Section 1004.03 that require a minimum of a 20 ft setback between accessory structures and Residential Zoning Districts. The request is to accommodate an existing shed that will not meet the setback requirements should the rezoning be approved. Staff supports this waiver, since the shed in its current location does not appear to be causing any issues or neighborhood distress. Moreover, staff has not received any opposition or written objections concerning its location from the adjacent property owner or from the surrounding property owners.



## **VI. PUBLIC COMMENT**

The Planning Department mailed notices to neighboring property owners within 1,000-feet of the subject property. Staff posted the property on August 24, 2015 and published a legal notice in the *Bisbee Observer* on August 18, 2015. In response to applicant and County mailings, the Planning Department has not received a response concerning the request.

## **VII. SUMMARY AND CONCLUSION**

The request is to rezone a parcel of land located in Naco, Az from R-9 to MR-1. The rezoning is necessary in order for the Applicant to proceed with a splitting the parcel in a legal manner for the purposes of creating two separate tax parcels. Staff's recommendation is based upon the above analysis, as well as the following

Factors in Favor and Against approval:

### **Factors in Favor of Approval**

1. Allowing the rezoning and subsequent residential use would not alter the overall character of development in the area; and
2. Rezoning to MR-1 for the purpose described would not change minimum site development standards requirements for any future construction;
3. Allowing the rezoning would permit the applicant to split the property in a legal manner;
4. Allowing the rezone will permit an appropriate variety of new uses that were not otherwise permitted in the R-9 zoning district along with many of the same uses that are currently permitted in the R-9 zoning district.
5. Allowing the rezoning will add to the variety of lot sizes currently available in Naco.

### **Factors Against Approval**

None

## **VIII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
3. The lot shall be split in accordance with the MR-1 zoning designation within three months of approval.
4. No additional residential units shall be permitted. Any changes to this condition shall be subject to review by the Planning Department and will require approval by the Planning and Zoning Commission and the Board of Supervisors.

4. No additional residential units shall be permitted. Any changes to this condition shall be subject to review by the Planning Department and will require approval by the Planning and Zoning Commission and the Board of Supervisors.

Staff further recommends that the following Waiver of development standards be applied to the use:

1. A Waiver of the setback requirements per Section 1004.03 of the Zoning Regulations that require a minimum of a 20 ft setback between accessory structures that abut Residential Zoning Districts.

(Sample Motion: *Mr. Chairman, I move to forward Docket Z-15-05 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

## **IX. ATTACHMENTS**

- A. Application
- B. Site Plan
- C. Agency comment memo
- D. Naco parcels zoned R-9
- E. Naco Area Plan Map

## **References**

Landcaster development Ltd. V. Village of River Forest Appellate Court of Illinois — First District, Fourth Division, June 16, 1967  
[http://www.legale.com/decision/196747984IIApp2d395\\_1418.xml/LANCASTER%20DEVELOPMENT,%20LTD.%20v.%20RIVER%20FOREST#](http://www.legale.com/decision/196747984IIApp2d395_1418.xml/LANCASTER%20DEVELOPMENT,%20LTD.%20v.%20RIVER%20FOREST#) Date Accessed: August 27, 2015



**Cochise County**  
**Community Development**  
Planning, Zoning and Building Safety Division  
*Public Programs...Personal Service*  
www.cochise.az.gov

**COCHISE COUNTY REZONING APPLICATION**

Submit to: Cochise County Community Development Department  
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: RAUL HIDALGO
2. Mailing Address: P.O BOX 499  
NACO AZ 85620  
City State Zip Code
3. Telephone Number of Applicant: 520 227-2109
4. Telephone Number of Contact Person if Different: 520 249-7254
5. Email Address: RFH 2109 BJA @CABLEONE.NET
6. Assessor's Tax Parcel Number: 102 - 57 - 301 (Can be obtained from your County property tax statement)
7. Applicant is (check one):
  - Sole owner: YES
  - Joint Owner: \_\_\_\_\_ (See number 8)
  - Designated Agent of Owner: \_\_\_\_\_
  - If not one of the above, explain interest in rezoning: \_\_\_\_\_
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
  - List attached (if applicable): \_\_\_\_\_
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
  - If corporation, corporate resolution designating applicant to act as agent: \_\_\_\_\_
  - If partnership, written authorization from partner: \_\_\_\_\_

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1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

**Highway and Floodplain**  
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Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

- If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: \_\_\_\_\_
- Copy of title report: \_\_\_\_\_
- Copy of tax notice: ☒ \_\_\_\_\_
- Other, list: \_\_\_\_\_

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes \_\_\_\_\_ No ☒

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached. U/A

12. Is more than one parcel contained within the area to be rezoned? Yes \_\_\_\_\_ No ☒

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: TR-9

14. Indicate proposed Zoning District for Property: MD-21

Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.

15. Comprehensive Plan Category: C (A County planner can provide this information.)

16. Comprehensive Plan Designation or Community Plan: \_\_\_\_\_ (A County planner can provide this information.)  
MEDIUM DENSITY RESIDENTIAL

**Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.**

17. Describe all structures already existing on the property: 1-HOUSE (APPROX) 37'X53' ON WEST SIDE OF PARCEL. 1-HOUSE ADD SIZE 1-SHED (12'X14') ON EAST SIDE OF PARCEL.

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: NO PROPOSED USES

AND STRUCTURES WILL BE ESTABLISHED @ THIS TIME.

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes \_\_\_\_\_
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes \_\_\_\_\_ No \_\_\_\_\_
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)



20. Which streets or easements will be used for traffic entering and exiting the property?

NEWELL ROAD ON THE SOUTH SIDE OF PARCEL AND QUINCY ROAD ON THE EAST SIDE OF THIS PARCEL

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? NONE

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? NONE. USING EXISTING DRIVEWAYS.

23. Identify how the following services will be provided: NONE: EXISTING UTILITIES ALREADY EXIST

Service	Utility Company/Service Provider	Provisions to be made
Water		
Sewer/Septic		
Electricity		
Natural Gas		
Telephone		
Fire Protection		

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed).

SEE ATTACH SHEET.

## 25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature: R. Delgado

Date: 7/21/15

## CONSENT SIGNATURE FORM

### OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
10857301	STEPHANIE C. NDALGO		
	4018 W. NEWELL RD.		
	NAAC AZ 85620		
	PO BOX 895.		
	KALL NDALGO	R. Ndalgo	7-21-15
	4018 W. NEWELL RD.		
	NAAC AZ 85620		
	PO BOX 499.		

(Attach separate pages if necessary)

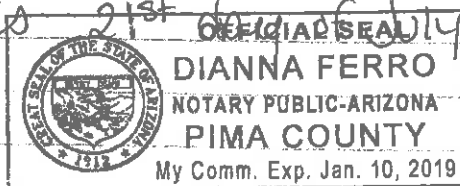


July 21-15

To Whom It May Concern,  
I Stephanie Hidalgo who currently  
co-owns parcel # 10257501. I am  
residing in Tucson Az and unable to  
be there in person to represent myself.  
Therefore I am authorizing my father  
Steve A Parra to represent me as  
agent in this rezoning matter.  
If you need to contact me  
directly, here is my cell phone # 520 456 4344

Thank You, Stephanie Hidalgo

Acknowledged before me by Stephanie Hidalgo  
this 21<sup>st</sup> day of July, 2015



Dianna Ferro  
NOTARY PUBLIC

TO WHOM IT MAY CONCERN,

THE REASON WE ARE CONSIDERING THE REZONING ARE TO ESTABLISH SEPARATE OWNERSHIP FOR EACH DWELLING AND PERSON, THIS WOULD MAKE IT EASIER ON BOTH PARTIES TO HAVE SEPARATE TAX BILLS INSTEAD OF BOTH PARTIES BEING INVOLVED WITH EACH OTHERS LIVES. WE ARE "X" BROTHER AND SISTER IN-LAWS AT THIS TIME. THE OTHER REASON IS TO BE ABLE TO SALE OUR HOMES IN THE FUTURE WITHOUT THE OTHER BEING INVOLVED WITH THE SALE AND FUTURE OWNERS. AND LAST THERE WILL NOT BE ANY CHANGES TO THE EXISTING APPEARANCE ON ALL DWELLING AND GROUND.

7-20-2015

Greetings:

To whom it may concern at this residency.

Our names are Stephanie and Raul Hidalgo, we are co-owners of the property at the north-west corner of Newell Road and Quetzal Road. As a long time property owner there, we are attempting to have our property rezoned through Planning and Zoning Department for the sole purpose of dividing parcel, so we will have the opportunity to have separate properties.

The Existing 2-houses will remain as is and no changes will be made to the present appearance.

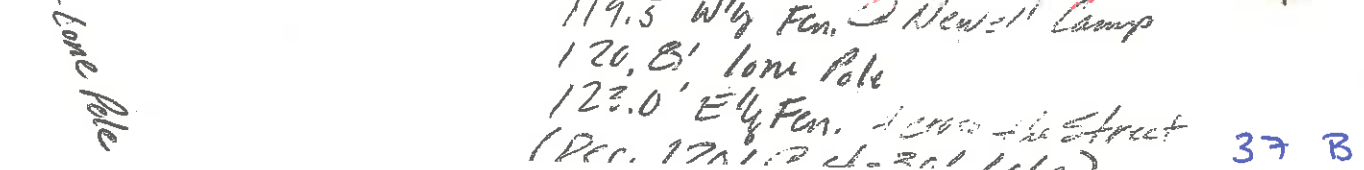
So if you have any questions or comments about this matter please respond within a week of receiving this letter.

Contact Person are: Raul Hidalgo @  
520-227-2109

Stephanie Hidalgo  
Raul Hidalgo

Q. 11

Hand-drawn cross-section diagram of a wall and foundation. The wall is 5' thick and 34'7" high. It is labeled "SHED" and "12x14\". The foundation is labeled "Conc. Slab" and "12x14\". A dimension of 5' is shown for the foundation width.



Vec. 140' 21" (cont'd) (Vec. 22')

Measurements are from existing  
structure and fence lines



**Cochise County**  
**Community Development**  
**Highway and Floodplain Division**  
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## MEMORANDUM

**Date:** August 6, 2015  
**To:** Jim Henry, Planner  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** Hidalgo Re-Zoning/Z-15-06/Parcel #102-57-301

This re-zoning proposes modifying the land designation from RU-9 to MR-1. The applicants for this re-zoning currently share ownership of less than a half an acre of land on which two dwellings have been constructed and been in use. Shared by family members in the past, the owners now desire to each have responsibility of their own parcel and dwelling unit. No new structures are planned; no change of access is planned.

### Traffic Analysis

This parcel is located in the Naco Townsite on the northwest corner of Newell St. and Quetal Ave. Access is currently taken from Newell St. for both dwelling units; this is a county-maintained roadway; a rural minor collector, chip-sealed with a 24 foot cross-section. Average daily traffic on Newell St. is estimated to be 486 vehicles per day. (2013 traffic count). Quetal Ave. is also a county-maintained; a rural minor access road, chip-sealed with a 24 foot cross-section.

As is common with many of these older homes in the County, the residential driveways to both dwellings were permitted with their building permits, not with the Highway Dept. April 2000/ BP 000422 established both driveways; August 2001/BP 010790 established the east dwelling unit garage and driveway. Changes to access driveways onto either Newell or Quetal would now be permitted through the County's Highway Dept. Right-of-Way/Encroachment Permit process.

A single family residential unit, either on the existing RU-9 zoned site or on the newly designated MR-1 site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9<sup>th</sup> edition. Thus the total trip generation of both existing units would likely remain slightly less than 20 vehicle trips per day.

### Recommendation

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts. This re-zoning is not likely to change the general nature of this land use nor is it likely to adversely impact traffic circulation or trip generation in the area.

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520-432-9300  
520-432-9337 fax  
1-800-752-3745  
[highway@cochise.az.gov](mailto:highway@cochise.az.gov)  
[floodplain@cochise.az.gov](mailto:floodplain@cochise.az.gov)

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**INTEROFFICE MEMO**

**Date:** 8/10/15  
**To:** Jim Henry, Planner  
**From:** Teresa Murphy, Right of Way Agent  
**Subject:** Rezoning for Hidalgo (Z-15-06)

**Background:** Raul Hidalgo is requesting a rezoning from R-9 (Residential; One dwelling per 9,000-square feet) to MR-1 (Multiple Dwelling Residential; one dwelling per 3,600 ft). The subject parcel is 17,859.6-square feet (0.41-acres) in size. The rezoning is to facilitate the applicants desire to split the lot in a manner that would not meet the lot dimension requirements of the R-9 zoning district. Right-of-Way staff was contacted by Planning and Zoning to review the permit and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

- Access for the subject parcel is from West Newell Street and South Quetel Avenue
- The right-of-way was dedicated to the public per NACO TOWNSITE map recorded in Book 1 of Maps page 138 & 139, records of Cochise County, Arizona
- Newell Street is a county maintained road (#676) and has a declared width of 75 feet.
- Quetel Avenue is a county maintained road (#1223) and has a declared width of 120 feet.

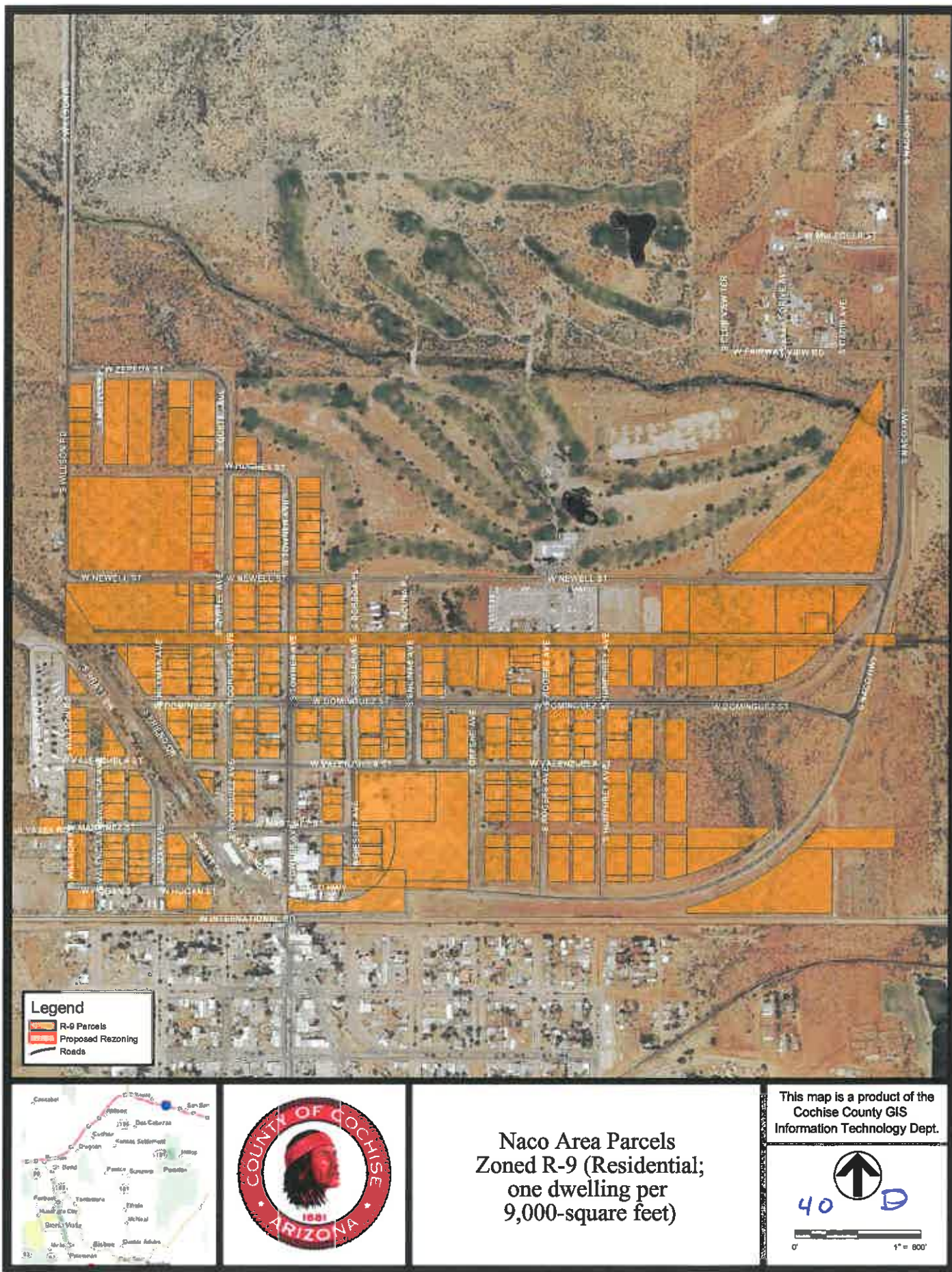
**Recommendation:**

- No need for right-of-way dedication is required Newell Street or Quetel Avenue at this time.

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# **Naco Area Plan** **Land Use** Cochise County, Arizona

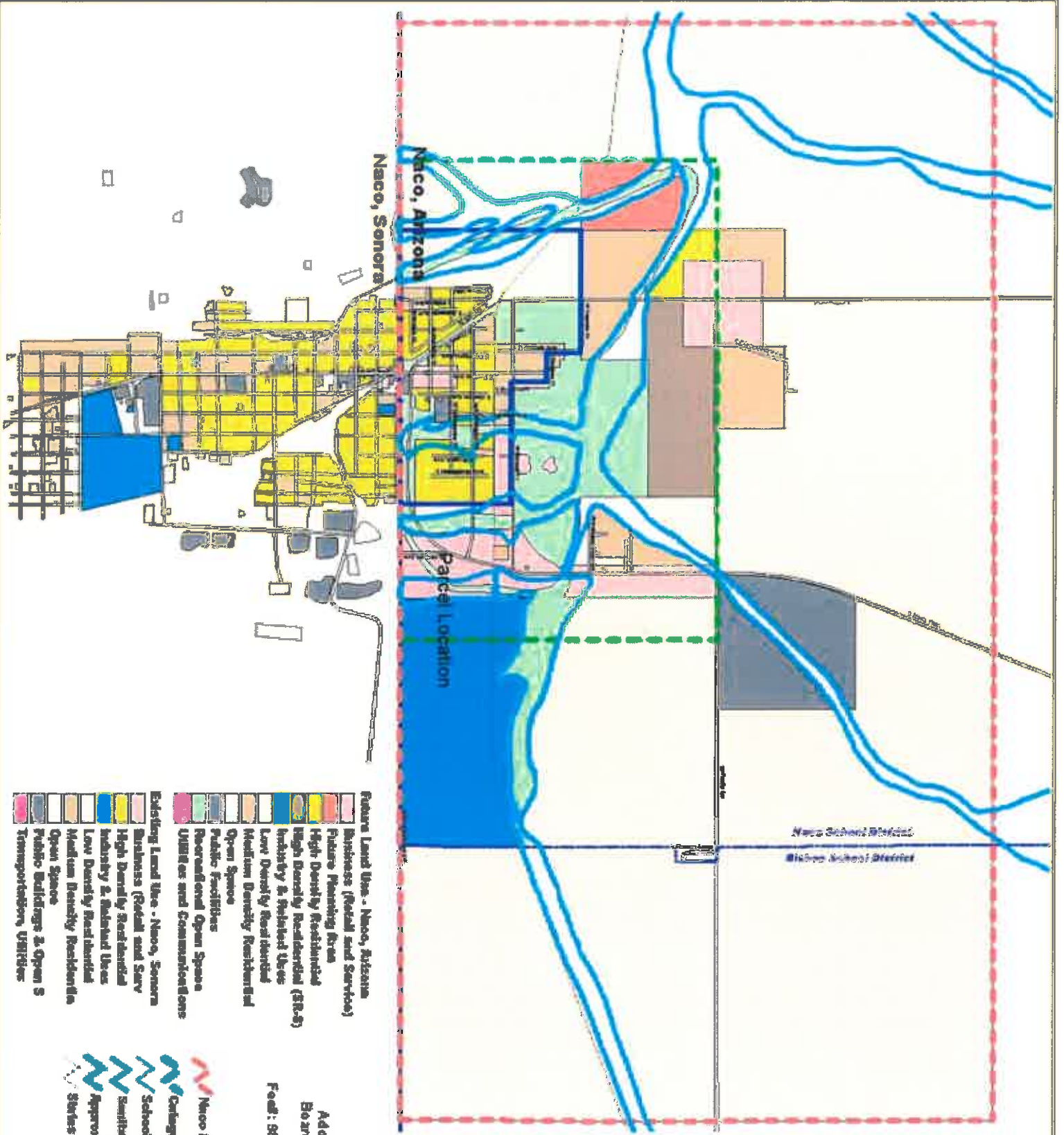


July 2001

Adopted by Cochise County  
 Board of Supervisors, 02/17/98  
 Resolution 98-09  
 Filed: 980205028, Recorded 02/26/98

- Future Land Use - Naco, Arizona**
- Business (Retail and Service)
  - Future Planning Area
  - High Density Residential
  - High Density Residential (SR-8)
  - Industry & Related Uses
  - Low Density Residential
  - Medium Density Residential
  - Open Space
  - Public Facilities
  - Recreational Open Space
  - Utilities and Communications
- Existing Land Use - Naco, Sonora**
- Business (Retail and Serv
  - High Density Residential
  - Industry & Related Uses
  - Low Density Residential
  - Medium Density Residential
  - Open Space
  - Public Buildings & Open S
  - Transportation, Utilities

- Naco Area Firm Boundary
- Category C Growth Area Boundary
- School District Boundary
- Sanitary District Boundary
- Approximate 100-Year Floodplain Boundary
- Status Referred







# Cochise County

## Community Development

Planning, Zoning and Building Safety Division

*Public Programs...Personal Service*

### **MEMORANDUM**

**TO:** Cochise County Planning and Zoning Commission  
**FROM:** Jesse Drake, Planner II JD  
**FOR:** Mary Gomez, Interim Planning Director  
**SUBJECT:** Docket Z-15-07 (Kartchner)  
**DATE:** August 31, 2015 for the September 9, 2015 meeting

### **REQUEST FOR A REZONING**

The Applicant is requesting a rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres) on a 621.11 acre parcel. The current zoning would allow the development of a 155-lot standard subdivision or a 208-lot conservation subdivision; the requested zoning would allow 310-lot standard subdivision or a 416-lot conservation subdivision. The Applicant is requesting the rezoning in order to submit an application for a Residential Conservation Subdivision of 295 one-acre lots with fifty percent open space along the San Pedro River.

The site consists of two parcels, APN 208-59-12C and 208-610007A located on Cascabel Road approximately 2.5 miles north of Interstate 10 in Benson, AZ. It is further described as being situated in Sections 21 and 28 of Township 16 South, Range 20 East of the G&SRB&M, in Cochise County, Arizona. The Applicant is Mark M. Kartchner.

### **I. DESCRIPTION OF SUBJECT PARCEL AND SURROUNDING LAND USES**

Parcel Size:	+/- 621 acres
Zoning:	RU-4
Growth Area:	Category D
Comprehensive Plan Designation:	Rural
Area Plan:	Tres Alamos
Existing Uses:	Agricultural and vacant land
Proposed Uses:	RU-2 for possible Residential Conservation Subdivision

### **Zoning/Use of Surrounding Properties**

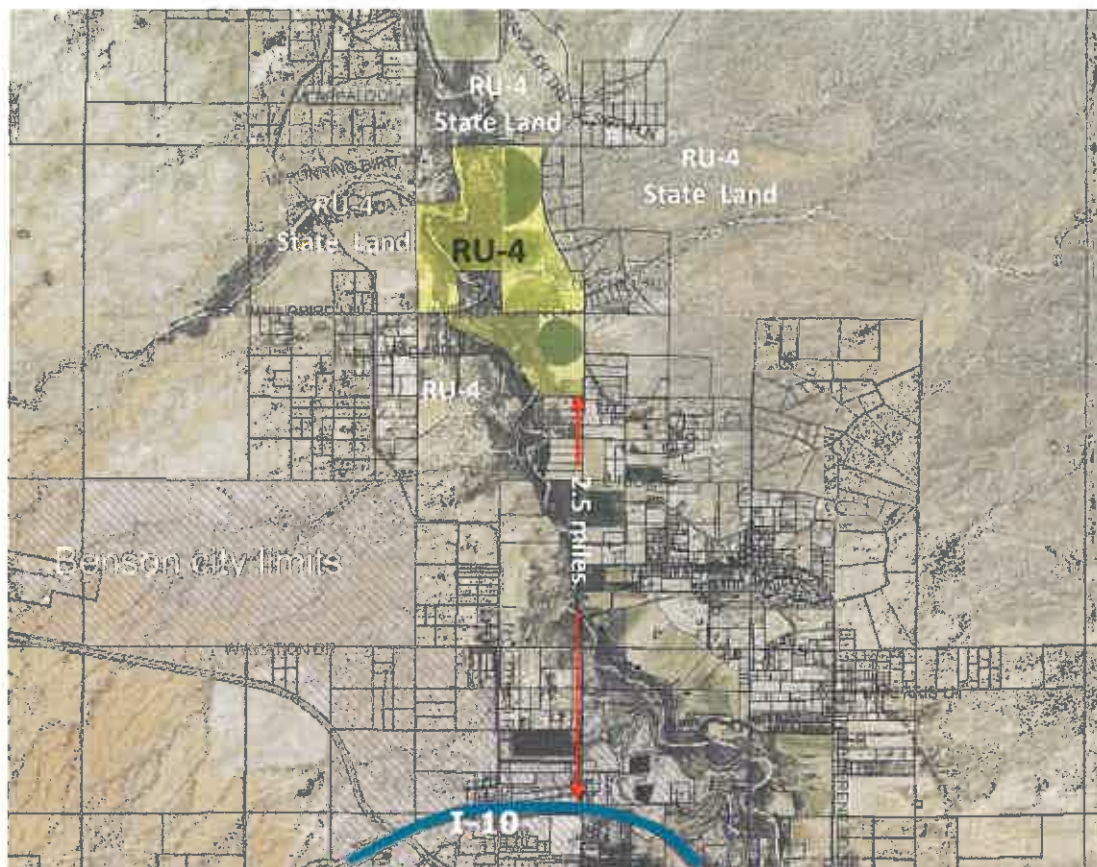
Relation to Subject Parcel	Zoning District	Use of Property
North	RU-4/ Rural-Residential	Vacant
South	RU-4/ Rural-Residential	Vacant & Low Density Residential
East	RU-4/Rural Residential & R-36	Low Density Residential
West	RU-4/ Rural-Residential	Vacant & Low Density Residential

#### **Planning, Zoning and Building Safety**

1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax

#### **Highway and Floodplain**

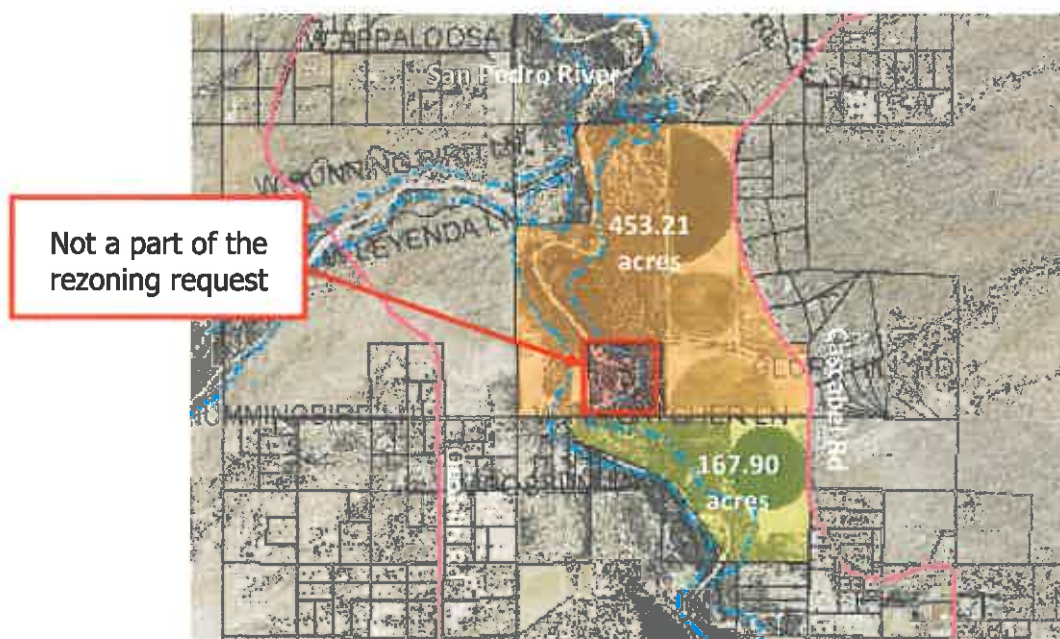
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax



Location Map

## II. NATURE OF REQUEST

This request is for a rezoning of 621.11 acres rural land north of Benson from RU-4 (Rural, one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres). The site consists of two parcels: a 453.21 acre northern parcel and the 167.90 acre southern parcel. A 40.08 acre square parcel located between the northern and southern parcels is not a part of this rezoning application.



Site Map



The San Pedro River runs north/south on the western side of the property, adjacent to or within the entire 621 acres. Cascabel Road a two-lane County-maintained road abuts the eastern edge. Most of the property lies between the river and the road. The eastern half of the site is currently used for agriculture; the western side, adjacent to the San Pedro River, is not heavily disturbed and remains mostly in its natural condition. State Land abuts the property on the north and west, other surrounding properties are vacant or low density residential lots.



*Stock fencing, south side of Flycatcher Lane*



*View NW across property from Flycatcher Lane*

The sections of the property in agricultural portion are flat and the surrounding mountain ranges rise up from the horizon on the northwest and southwest. A dense mesquite bosque lines both the San Pedro River channel on the western side of the property and mesquites also line the large wash near the center of the property.



*Mesquites along the San Pedro River*

With the current RU-4 zoning a 155-lot standard subdivision, or a 208-lot Residential Conservation Subdivision, containing a minimum of 50% conservation area, could be built. The requested zoning would increase the density to allow a 310-lot standard subdivision or a 416-lot Residential Conservation Subdivision, containing a minimum of 50% conservation area. The Applicant has submitted conceptual drawings of a proposed subdivision that, should the rezoning be approved, would be a Residential Conservation Subdivision, called Pomerene River Estates, consisting of 295 one-acre lots and a minimum of 50% conservation area shown on the plans as located in and adjacent to the San Pedro River. This is an increase of 87 lots more than would be allowed by right with the existing RU-4 zoning.

The conceptual plan submitted with the rezoning application is not as intensely built-out as allowed by a Standard

Subdivision plan, but still doubles the density of the zoning, and quadruples the density of the individual lots by using the Residential Conservation Subdivision criteria to concentrate the development. The request is for one acre lots as opposed to the current zoning that limits density to one dwelling per 4 acres. To justify the request for one acre lots, the plan includes a 50% conservation/open space area that includes the San Pedro River channel, the floodplain and adjacent lands. This conservation area is a valuable and important natural wildlife corridor that would naturally be set aside as an unbuildable area in any development plan, with or without the increased lot density requested in the application. If considered for development the area would be buildable only with expensive re-contouring and land development costs.

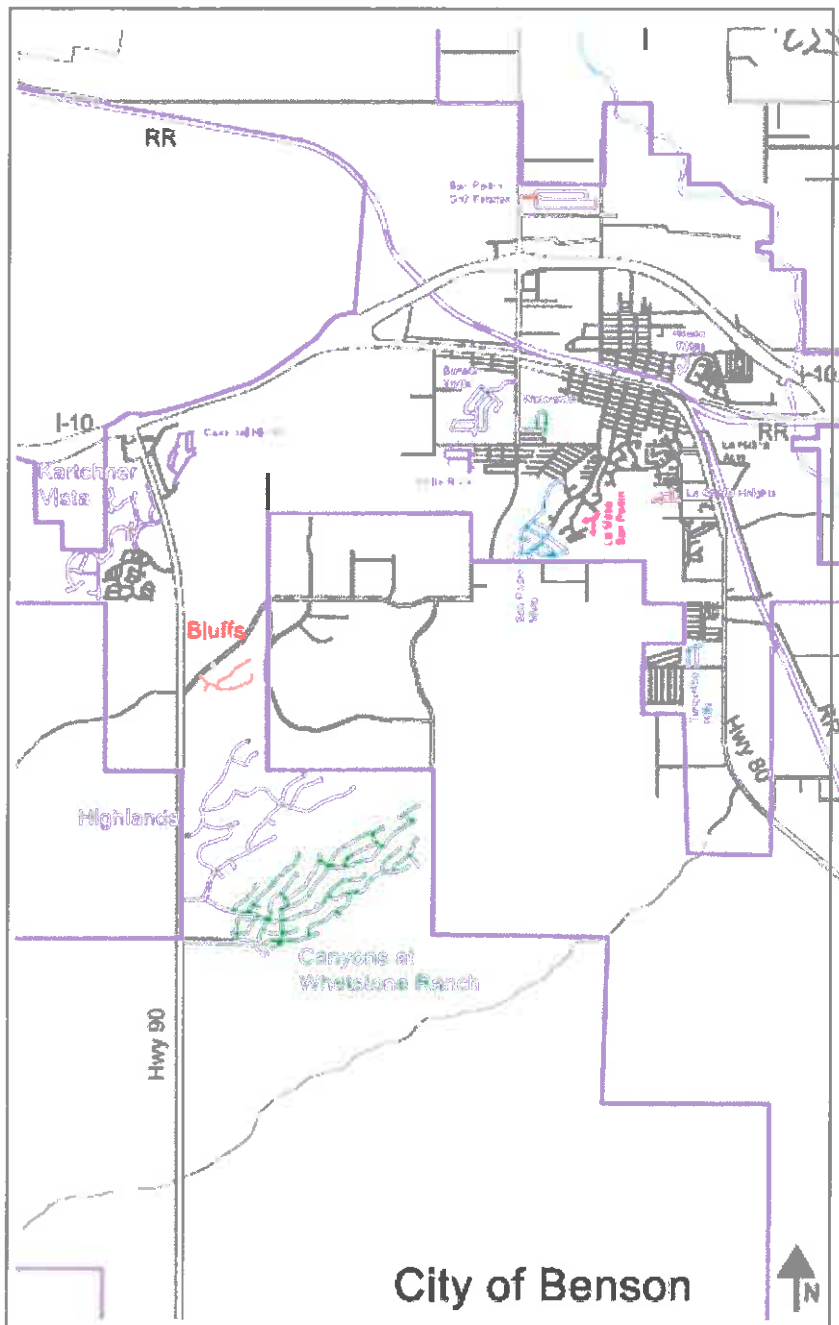
The Residential Conservation Subdivision plan submitted with the rezoning application is conceptual only but the Applicant is confident that plans for the Pomerene River Estates will be submitted if the rezoning is approved.

The County Transportation Planner recommends consideration the potential benefits of a Master Plan for this location that would include accessory residential uses into his concept and also include the addition of small-scale local commercial uses such as child care facilities, pet boarding (possibly adjacent to a dog park), residential scaled assisted living facilities, or a small coffee/deli shop in the plan. The Applicant is encouraged to investigate housing options that incorporate pre-planned accessory living quarters or other types of uses that allow residents to meet some of their needs for child care or elder care within the development, creating internal circulation and limiting off-site trips. This type of development plan would incorporate all the types of future uses into the initial trip generation calculations rather than under accounting for future uses.

#### PLATTED VERSUS BUILT PARCELS WITHIN THE BENSON, AZ CITY LIMITS

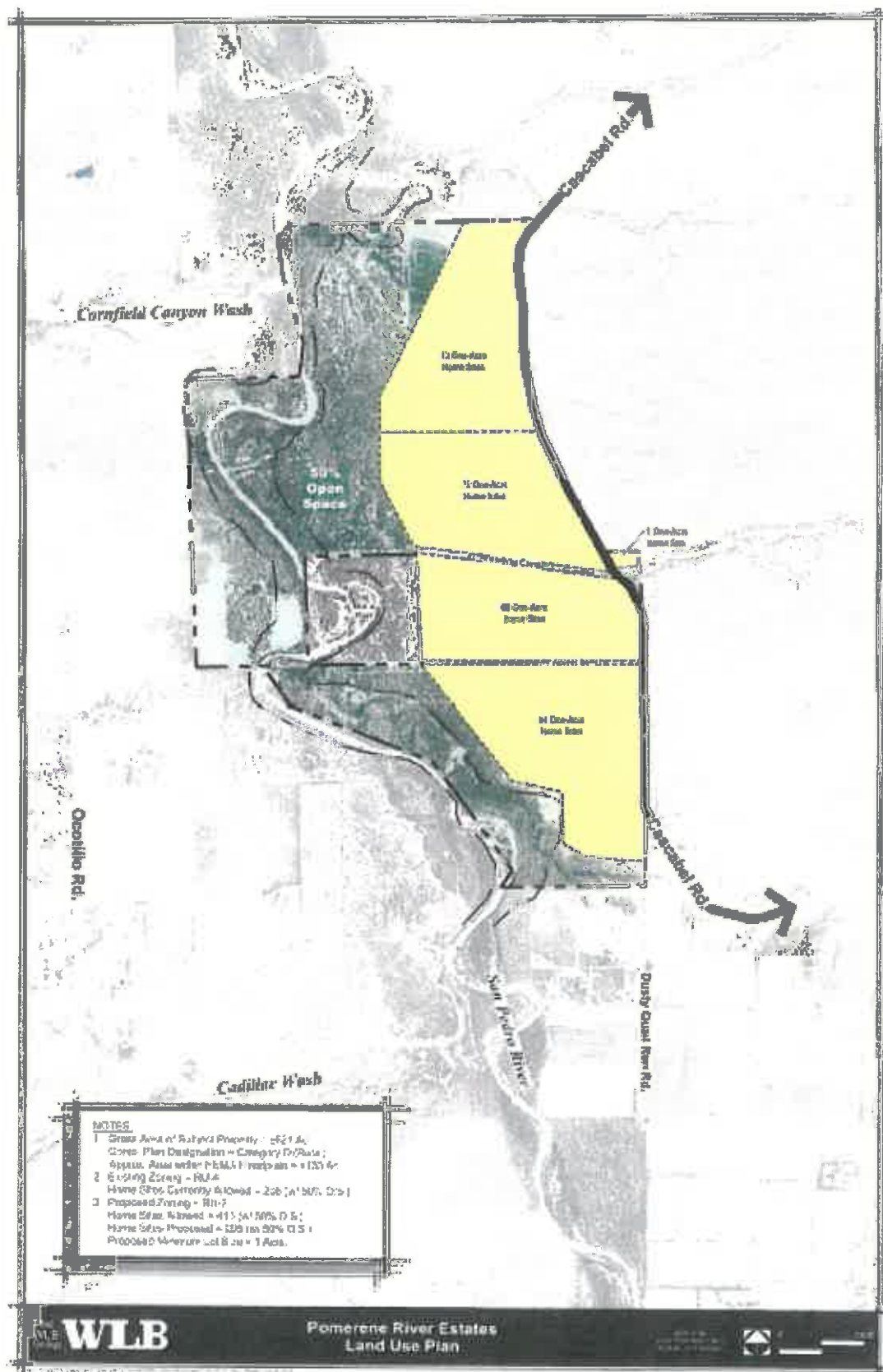
As of June 16, 2015

NAME OF SUBDIVISION	PLATTED	BUILT	NOTES
Kartchner Vista	204	151	
Cottonwood Bluffs	100	49	
Highlands at Whetstone Ranch	170	0	Infrastructure built
Canyons 1 & 2, Whetstone Ranch	365	52	
Sunset Trails	197	0	No infrastructure or construction
WaterCrest	53	7	
Turquoise Hills	31	0	Infrastructure built
La Mesa San Pedro	13	0	No infrastructure available, reverting to original owners, may be abandoned
San Pedro Vista	121	0	No construction
La Cholla Heights	45	0	No infrastructure or construction, legal issues, may be abandoned
House Ridge Estates	18	6	
San Pedro Golf Estates	224	0	No infrastructure or construction
Old Homestead	26	8	
<b>17.4% built out TOTALS</b>	<b>1567</b>	<b>273</b>	
Total does not include additional 27,635 lots for Villages at Vigneto beyond those listed for Whetstone Ranch			



On page 16 of the 2014 *Benson Economic Outlook* Dr. Robert Carreira, Director for Economic Research at the Cochise College Center for Economic Research notes that from 2010 through 2013 the population of Benson decreased by 20 people.

Building statistics for new residential construction from Michelle Johnson, AICP, City of Benson Planner, show that in the last 30 months only one new residential building permit was issued in the city, and that was in 2013. Since then no new residential building permits have been issued in Benson. Currently the City of Benson is oversaturated with existing subdivision entitlements for subdivisions that were permitted but never built. The chart below lists the currently subdivisions in the Benson city limits and shows that as of June 15, 2015 only 17.4% of the currently platted parcels in the City of Benson are built out. These statistics include Whetstone Ranch, but do not include the over 20,000 new residential lots that have been submitted by El Dorado Holdings for the Villages at Vigneto project.



Pomerene River Estate Concept Plan



### **III. ANALYSIS OF IMPACTS**

#### **Compliance with Rezoning Criteria**

##### **A. Mandatory Compliance: Permitted Districts by Plan Designation or Other Adopted Plans: Partially Complies**

The subject parcel is within the boundary of the Tres Alamos Area Plan. The land designation within the Plan Area is the Rural Residential (RR) designation within a Category "D" Rural Area designation.

Section 402 of the Zoning Regulations permits the proposed RU-2 zoning district in the Rural Residential (RR) Plan Designation.

- Staff comment: Proposed project complies.

Section 403.04 of the Zoning Regulations identifies Rural (Category D) as: "The outlying rural areas between cities and unincorporated communities, characterized by a low rate of growth; unimproved roads; low density, large lot rural residential development agricultural production; and large tracts of undeveloped private and public lands.

- Staff comment: Proposed project partially complies: the project is located outside unincorporated Pomerene but internal roads will be developed.

Section 404.06 of the Zoning Regulations identifies Rural Residential (RR) as areas in Category D (Rural) with a definite pattern of residential development on larger lots, two-acres or larger in size. Due to the well-established residential character of these areas, rezonings or special uses to allow for more intensive developments that do not directly serve the residents of these areas are not generally appropriate.

- Staff comment: Proposed project partially complies: The conceptual plan submitted with the rezoning application shows a residential development pattern but will have one-acre lots so does not meet the two-acre lot minimum. Modification of lot sizes is allowed in a Residential Conservation Subdivision and the Applicant believes that the open space component in the project and reduction in the number of allowable lots compensates for the smaller lot size.

In addition, the proposed Conceptual Plan that includes 50% open space in a Residential Conservation Subdivision complies with the Comprehensive Plan Rural Character Element Section I.1.b.,c.and d.:

- b. Maintain and enhance a reasonable and diverse overall level of rural development that balances the need for rural growth against impacts on rural character.*
- c. Encourage conservation design practices and other land use strategies, such as conservation subdivisions and cluster development for new residential and commercial projects.*
- d. Encourage protection of Cochise County's scenic resources and recognize these resources are a vital part of the county rural character by discouraging development which has the potential to seriously compromise view shed integrity.*

- Staff comment: Proposed project complies.

##### **B. Rezoning Evaluation Factors**

Section 2208.03.B of the Zoning Regulations provides a list of fifteen factors for evaluation of Rezoning applications. Staff uses these factors to help determine the suitability of a given request, whether to recommend approval for a rezoning, as well as to determine what Conditions and/or Modifications may be needed.

Two factors are not applicable to this application, the project does not comply with three factors, partially complies with three factor and complies with the remaining seven factors.

##### **1. Provides an Adequate Land Use/Concept Plan: Complies**

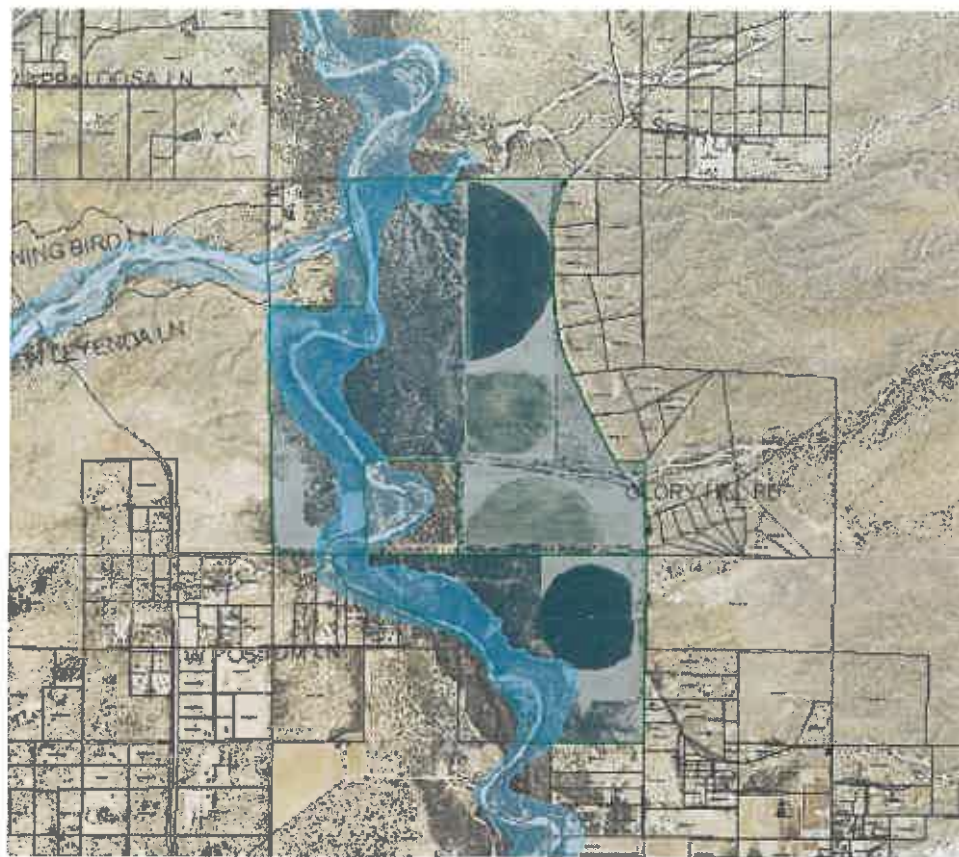
The Applicant submitted a concept plan with the rezoning application for the proposed Pomerene River Estates subdivision that shows the currently disturbed, graded and bladed areas now used for agricultural production as the future one-acre home site areas. The heavily vegetated areas in and around the San Pedro River on the western boundary and the river floodplain are proposed as the conservation/open space area.

##### **2. Compliance with the Applicable Site Development Standards: Complies**

The conceptual subdivision plan submitted as a part of the rezoning application meets the requirements of an RU-2



zoned Residential Conservation Subdivision.



*Floodplain boundary*

Approximately 142.5 acres of the proposed project are located within a mapped FEMA floodplain. The floodplain limits construction in some areas and increases the potential costs of building in others on this site.

County Floodplain regulations require erosion hazard areas and building setbacks a minimum of 300 feet along all major natural watercourses, with the San Pedro River specifically noted. It is the nature of these constraints that encourages any development on the eastern edge of this site rather than the standard, less dense residential development pattern.

Section 2208.03.B.11 specifically states that "Rezoning encompassing such areas will be discouraged unless the developer carefully plans development around these areas, such that they are appropriately protected."

### **3. Adjacent Districts Remain Capable of Development: Complies**

The proposed rezoning would not affect the potential for neighboring property owners to develop their land, but the project may attract future development that could change the character of the very low density residential/agricultural area as it exists today.

### **4. Limitation on Creation of Nonconforming Uses: Complies**

The rezoning would not create non-conforming land uses.

### **5. Compatibility with Existing Development: Partially Complies**

Directly adjacent to the property, the area is currently a stable, very low density and agricultural area with homes on large lots and with large tracts of vacant State Land on the north, west and east. There is one area of R-36 zoned lots that abut the property on the southeast. The smallest adjacent lot on the east side of Cascabel Road site is a vacant 4.25-acre RU-4 zoned lot. There is one 2.98-acre lot and two 4-acre parcels that abut the project site's proposed conservation/open space area on the south side of the San Pedro River approximately one-half mile or more from the nearest proposed one-acre residential lot. All other parcels surrounding the project are five acres or larger.

Staff would encourage the applicant to submit a revised subdivision plat that provides a transitional section of one-acre lots on the southeast and two-acre lots on the northern parcel perimeter to provide a more compatible transition with the existing uses in the surrounding properties.

Access to this project is through the small, rural/agricultural unincorporated community of Pomerene that has farming and ranching activity and associated housing and accessory buildings adjacent to narrow roads. An active dairy is next to the road one-half mile away from the southern boundary of the project and it is necessary to drive by the dairy to get to or from the project. Construction traffic will create congestion and conflicts with the current rural lifestyle of those residents in Pomerene. It is also likely that the dust, odors, pesticide spraying, agricultural equipment noise and other components of an agricultural lifestyle could conflict with future owners of single family

homes on smaller lots where these activities do not occur.

## 6. Rezoning to More Intense Districts: Partially Complies

Section 2208.03I.B.6 states:

*Rezoning to a more intense Zoning District, which abuts less intense Zoning Districts, the Applicant has demonstrated that the less intense Districts are protected in one or more of the following ways:*

- a. The proposed District is buffered by an intermediate District of sufficient size to provide a reasonable transition of intensity from the existing area (as a guide a reasonable transition is considered to be a difference of intensity or density of two levels as defined in 2208.02);*
  - Staff comment: Complies
- b. The proposed District is a reasonable extension of a similar density District within the area;*
  - Staff comment: Partially Complies, adjacent properties are less dense except at southeastern boundary.
- c. The proposed District provides a transition between an existing less intense District and a more intensive District or an arterial street...*
  - Staff comment: Partially, properties on all sides are less dense except at southeastern boundary.
- d. The proposed District is designed to provide adequate protection to the adjacent less intense development in the form of enhanced screening, landscaping, setbacks, large lot size, building orientation, or other design measures.*
  - Staff comment: Partially Complies: complies on western side but not on eastern side adjacent to the road.

## 7. Adequate Services and Infrastructure: Does Not Comply



*View to west showing transmission lines adjacent to Flycatcher Lane near Cascabel Road.*



The subject parcel has a major transmission power line running east-west across the property adjacent to West Flycatcher Lane.

Staff received a letter of no conflicts from representatives of the Sulphur Springs Valley Electric Cooperative, identified in the application as the electric provider for the proposed subdivision.

*View to east showing transmission lines on State Land near Flycatcher Lane/Cascabel Road.*

Section 2208.03.B.7:

*The following factors are used to determine if there are adequate services and infrastructure to serve an intensification of zoning:*

- a. *For a Rezoning to a more intensive District, the Applicant has provided adequate information to evaluate the impacts of the Rezoning on roads, other infrastructure, and public facilities. The Applicant must demonstrate that there are adequate provisions to address the impacts identified. The Applicant shall provide data supporting the estimated traffic volumes as part of the application.*
  - Staff comment: Data not provided.
- b. *If the site accesses on a road where existing demonstrable traffic problems created by incremental development have already been identified, such as a high number of accidents, substandard road design, or surface, or the road is near or over capacity, the Applicant has proposed a method to address these problems.*
  - Staff comment: Transportation planner identified traffic problems, substandard roads and roads near capacity. No data provided to address these issues.
- c. *The proposed development meets or will meet the applicable requirements for street, sewer, or water improvements.*
  - The Applicant has provided evidence that the San Pedro Water Improvement District was approved by the Board of Supervisors.
  - Staff contacted the Arizona Department of Water Resources (ADWR) to investigate the assertion in the application that "the water allocation for twice the density being requested was approved several years ago..."

ADWR responded by stating that they had issued a "Analysis of Adequate Water Supply" report dated December 4, 2007. An "Analysis of Adequate Water Supply" is not equivalent to an authorization from ADWR confirming an adequate water supply. In fact, the Analysis of Adequate Water Supply" clearly states:

- b. An undetermined water provider will deliver water to the master-planned development.
- c. The application did not include a Notice of Intent to Serve form.
- d. The development is located outside of the current service area of any water provider.
- e. The **legal availability** [emphasis ADWR] of the water is considered not proven.
- f. Adequate Water Quality-This requirement will be evaluated at the time an application for

- a Water Report is filed.
- g. Financial Capability of the Owner to Construct the Necessary Distribution System was not evaluated.
- h. **Prior to obtaining plat approval by the local platting authority and approval of the public report by the Department of Real Estate, a Water Report must be obtained....**" [emphasis ADWR]
- d. *The site has access to streets that are adequately designed and constructed to handle the volume and nature of traffic typically generated by the use. Sufficient information has been provided to effectively evaluate this criterion such as a Traffic Impact Analysis.*
  - Staff comment: Traffic Impact Analysis not provided.

In summary, the Applicant's submittal does not comply with the required factor because, although the San Pedro Water Improvement District was formed and approved by the Board, the Applicant has not applied for the required Water Report to determine legal and physical adequacy of water for any subdivision and no authorization from ADWR has been issued to confirm water adequacy. The off-site impacts of the project have not been addressed and no traffic studies have been completed.

### 8. Traffic Circulation Criteria: Does Not Comply

Section 2208.03.B.8:

- c. *Consideration of future circulation needs in the surrounding area have been taken into account through right-of-way dedication and off-site improvements if warranted. Sufficient information has been provided to effectively evaluate this criterion such as a Traffic Impact Analysis.*

Response from the County Transportation Planner:

In 2010 traffic counts taken in the area of this proposed development found 286 vehicle trips per day. As submitted, the conceptual plan containing 295 one acre lots would create 2,808 vehicle trips per day, a potential increase of 1,333 trips more than what is allowed with the density of the existing RU-4 zoning. Morning peak hour would average 227 vehicles per hour and evening peak hour would average 300 vehicles per hour. From I-10 travel goes northbound on Pomerene Road, within the City of Benson, and from there through the small community of Pomerene to Cascabel Road. Pomerene Road is a two lane rural minor collector, with center and edge striping, and a varied shoulder width of about four feet that narrows over the bridge crossing, just east of Pomerene. Shoulders and edge striping are not in place west of the Pomerene Post Office and school area.

The intersection of Pomerene and Cascabel Road is a three-way stop-controlled intersection. Traffic counts taken in 2013 averaged 545 vehicle trips per day just north of this intersection. Turning radii is tight, shoulders non-existent and sight distance is limited. Turning movements encroach on both the centerline and edge of pavement with right turns frequently going off the pavement into the dirt shoulder and left turns frequently taking the center of the intersection. The Highway Department has received complaints from residents in this area of failure to stop at the intersection and failure to limit speeds to the posted 25 mph speed limit.

Cascabel Road, a County-maintained, rural major access roadway, lacks shoulders and does not provide all weather access. This roadway is characterized by a rolling terrain with frequent curves. Although this roadway is posted at 25 mph and in spite of the lack of adequate sight distance, the intermittent ranch access road intersections, the presence of cattle and other wildlife on and adjacent to the roadway and the lack of shoulder, speeding is very common. Several major wash crossings are currently protected by concrete dip crossings but do not carry the 25 year storm water under the roadway. This site does not have all-weather access and road closures occur a few times a year, most often during the monsoons.

The pavement surface was first laid down between 2004 and 2006. A maintenance re-surfacing (not a re-construction which would include additional base material) occurred along this portion of Cascabel Rd. in June 2011. Chip-seal surfaces are expected to last between 5-7 years, so this roadway is now a thin layer of chip-seal nearing the end of its functional life. Cracks are beginning to appear, the edges are deteriorating and vegetation is encroaching into the chip-sealed pavement.

This area, if developed either to existing or proposed zoning, would significantly increase traffic on this two lane rural roadway. A two lane roadway typically can handle no more than 900 passenger vehicles per hour or 9,000 vehicles per day, under optimum conditions, before the system begins to over-saturate. Cascabel Road has rolling terrain, a higher



percentage of agriculture or ranch trucks/trailers, no shoulders, significant wash crossings and several sight distance issues and will begin to see conflicts at 280 vehicles per hour and 2,800 vehicles per day. This development would conceivably push the limits of the existing roadway into a declining service level with increased conflicts with turning movements, especially during the morning and evening peak hour. Right-of-Way sufficient for a rural minor collector roadway, along with drainage easements, may be needed in order to adequately maintain the future roadway.

### **On-Site Considerations**

The Applicant will need to consider how to circulate traffic throughout his site. Cost considerations may limit bridging over the major washes that flow from east to west toward the San Pedro River. Given the constraints on Cascabel Road and the need to keep Cascabel Road flowing smoothly as a collector roadway, the number of access roads making that connection should be limited.

Access to the one interior private parcel under different ownership within the re-zoned area may need to be accommodated and should be taken into consideration when developing the site traffic circulation plan. Theoretically, West Hummingbird Lane and West Flycatcher Lane could be connected via a bridge over the San Pedro to access Ocotillo Road and the landlocked private parcel but the cost/benefit ratio of doing so is unlikely to make this an economical or desirable option.

The area set aside for conservation and open space should be connected to the public roadways and parking facilities, trailheads and multi-modal amenities that may include equestrian facilities should be provided for with public access. Designed primarily to enhance the future subdivision, providing for public access to the conservation/open space would help to mitigate the impact of increased densities along this river corridor and tie the new residential area into the Pomerene community. Maintaining the existing native vegetation, in particular the larger mesquite trees, along the roadway corridor would be a desired visual and physical buffer between the corridor and the development.

At the Master Plan or Subdivision phase the Applicant will need to provide a Traffic Impact Analysis that addresses the full build-out condition of their proposal as described in the Zoning and Subdivision regulations. Off-site and/or contribution to off-site improvements will likely be required to mitigate the development impacts and to ensure an adequate transportation corridor for the traveling public.

### **9. Development Along Major Streets: Complies**

The site takes access from County-maintained two-lane Cascabel Road. This road was declared a County highway in 1889, however the right-of-way conveyance is unclear in the records. Staff is recommending dedication of the right-of-way across the subject property in order to perfect the rights for Cascabel Road.

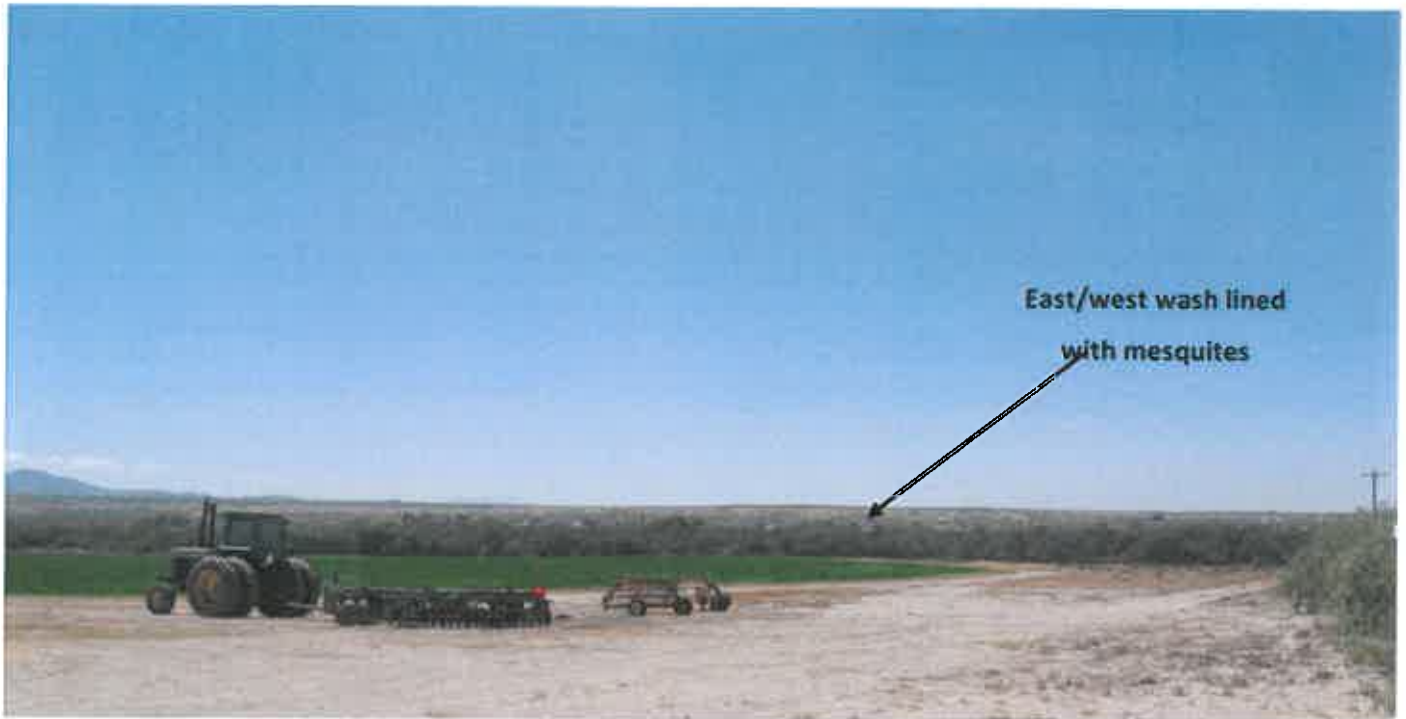
West Flycatcher Lane is a dirt road running east west connecting from Cascabel Road adjacent to the power line alignment, connecting the internal parcel that is not a part of the rezoning to Cascabel Road. There is no current road that bisects the property east to west. West Flycatcher Road intersects with Cascabel Road near the center of the proposed development and no new access points are shown in the proposed conceptual plan.

### **10. Infill: Not Applicable**

This Factor applies only to rezonings to GH, LI or HI.

### **11. Unique Topographic Features: Complies**

The conceptual plan takes into consideration the valuable resource of the San Pedro River and river floodway and has set aside those areas as conservation/open space areas. In addition to the river resource, the plan identifies as an "existing canal" the major east/west wash that lies near the middle of the site. This wash is lined with mesquites and needs further research to identify whether it is used as a wildlife corridor. The wash continues onto the State Lands to the east of the property where it widens and becomes a major drainage way. Staff is recommending that these open spaces be strictly reserved and protected, in perpetuity, as recorded conservation/no build easements.



*Agricultural lands with mesquites lining large wash.*



*View west from Cascabel Road of large wash on subject property showing wash-bed scouring and erosion control measures (feature identified on conceptual plan as "Existing Canal")*



*Opposite above photo: View east to wash-bed from Cascabel Road.*

**12. Water Conservation: Does Not Comply**

Water usage data was not submitted as a part of the rezoning application.

**13. Public Input: Complies**

The Applicant completed the Citizen Review process.

**14. Hazardous Materials: Not Applicable**

No hazardous materials are proposed as part of the development plan.

**15. Compliance with Area Plan: Partially Complies**

The subject property is located in the Tres Alamos Area Plan. The Tres Alamos Area Plan contains the following:

*The land use designation within the Plan Area is the "Rural Residential" (RR) designation within a Category "D" Rural Area.*

***Vision Statement***

*"In the year 2020 the Tres Alamos communities will maintain a rural quality characterized by quiet, peacefulness, neighborliness, the beauty of the rural environment and large lot sizes. The community will maintain a trail network while protecting wildlife pathways, green open spaces and dark night skies. New development will contribute to this Vision and will honor the rich ranching history of the area and will preserve historic sites and trails."*

***Land Use Policies***

- 1. Heavy industry is not appropriate.*
- 2. Legal subdivisions are preferable to lot splitting.*
- 3. All approvals for rezonings to a higher density shall be conditioned with the requirement that new development proceed under the subdivision process.*



4. *Improved roads should be required as part of new development and should be designed to (a) be safe for residential traffic; (b) reflect a rural residential character; and (c) be pedestrian-, bicycle- and equestrian-friendly.*
5. *Water resources should be protected, particularly groundwater levels for home sites and watersheds serving the San Pedro River. Unique natural water features, such as natural springs and ponds, should be preserved.*

The proposed rezoning Conceptual Plan does not meet the Rural Residential criteria of minimum two-acre lot size. However the plan incorporates some of the elements of the Tres Alamos Area Plan in that the lots will be legally split, will have improved roads and trails, and will preserve open space adjacent to the San Pedro River.

#### **IV. MODIFICATIONS TO DEVELOPMENT STANDARDS**

None requested.

#### **V. PUBLIC COMMENT**

The Applicant mailed notices to neighboring property owners within 1500 feet of the subject property and communicated to staff that they received four telephone responses in support of the project. Staff posted the property on August 17, 2015, published a legal notice in the Bisbee Observer on August 20, 2015 and also mailed notices to property owners within 1,500-feet of the site. To date, staff has received nine letters in opposition, one statement in support and one partially in support. The concerns voiced in the letters in opposition focused on:

- Opposed to increased density,
- Opposed to increased traffic, and concerns about traffic safety and road conditions,
- Concerns about increases in property taxes to surrounding property owners,
- Concerns about negative impacts on schools,
- Concerns about negative impacts to wildlife,
- Concerns about the loss of rural character and lifestyle,
- Concerns about trash dumping and off-road vehicle use,
- A remark that Benson will have sufficient housing with their proposed new subdivision and that this project is not needed,
- Concerns about water contamination, and
- Concerns about water usage impacts.

Staff received a comment letter from the City of Benson acknowledging the reduction in lot numbers and preservation of conservation areas and recommends a requirement for conservations easements for open space protection. The City notes that the Benson Volunteer Fire Department, listed as a responding agency cannot guarantee a response and the City also raises concerns about off-site traffic impacts. The City of Benson letter did not offer support or opposition.

The Arizona Game and Fish Department submitted a report stating that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species.

#### **VI. SUMMARY AND CONCLUSION**

The Applicant is requesting a rezoning for approximately 621 acres from RU-4 to RU-2, doubling the allowable density on a currently vacant/agricultural site north of Pomerene and north of Benson Arizona. The Applicant has not yet obtained a letter of Water Adequacy from ADWR, did not submit any drainage studies, traffic studies or traffic mitigation plans and will have three years to obtain these required documents and prepare any modifications to the conceptual plan submitted.

This northern part of the County is suffering population decline, is struggling economically, is lacking mid to high level jobs and is currently oversaturated with entitled subdivision parcels. The project will generate off-site transportation

impacts, does not include any employment opportunities other than transient construction and proposes lot sizes one-quarter of those in the surrounding rural community, staff believes that this project will struggle to succeed.

Staff is recommending Conditional Approval of the rezoning request with the understanding that the conceptual plans submitted as a part of the rezoning are not to be relied upon as a formal submittal subdivision application for the purposes of the rezoning application and those plans may change. **Factors in Favor of Approving the Rezoning**

1. The application complies with seven factors used to evaluate rezoning applications;
2. The rezoning complies with the Comprehensive Plan;
3. The rezoning partially complies with the Tres Alamos Area Plan;
4. The rezoning will preserve open space along the San Pedro River, eliminating future development in this portion of the river system; and
5. The applicant received four phone calls in support of the project and staff received one letter in support and one letter partially in support.

#### **Factors Against Allowing the Rezoning Modification**

1. The application does not comply with three factors used to evaluate rezoning applications, and only partially complies with three additional factors;
2. The rezoning will quadruple the density in a low-density rural area;
3. The rezoning request is for lot sizes less than a quarter in area of those in the surrounding area;
4. The rezoning request will create negative off-site traffic impacts on narrow, low-volume rural roads;
5. The Applicant has not provided traffic studies to show how the project impacts will be mitigated;
6. The Applicant has not provided information about whether the proposed conservation/opens space area will be open to public multi-modal access; and
7. Nine neighbors owning eleven parcels are opposed to this request and one letter was in partial opposition.

#### **VII. RECOMMENDATION**

Based on the factors in favor of approval, Staff recommends forwarding the docket to the Board of Supervisors with a recommendation of **Conditional Approval**, subject to the following Conditions:

1. The Applicant shall provide the County with a signed Acceptance of Conditions and a Waiver of Claims form arising from ARS Section 12-1134 signed by the property owner of the subject property within thirty (30) days of Board of Supervisors approval of the rezoning; and
2. It is the Applicants' responsibility to obtain any additional permits, or meet any additional conditions, that may be applicable to the proposed use pursuant to other federal, state, or local laws or regulations.
3. The Applicant shall submit a tentative subdivision plat within three years of the date of the rezoning approval.
4. The Applicant shall provide evidence of conformance to the regulations and wildlife concerns raised by the Arizona Game and Fish Department in their report dated 8/26/2015 specifically regarding documenting any identified Critical Habitat and conformance with the requirements of the Endangered Species Act.
5. All conservation/open space areas shall be reserved and protected in perpetuity as recorded Conservation/No-Build easements.
6. Any portion of the 80-foot-wide Cascabel Road right-of-way that is within the subject parcels shall be dedicated to Cochise County.
7. Applicant shall provide a Traffic Impact Analysis with the first submittal of a tentative plat.
8. Applicant shall provide a Drainage Report with the first submittal of a tentative plat.
9. Applicant shall provide a letter of Water Adequacy from the Arizona Department of Water Resources with the first submittal of a tentative plat.

10. The applicant shall be required to provide a statement of "No Complaint" listing off-site impacts from the surrounding agricultural community with any recorded plat, deed, or property owners association documents in order to protect the surrounding residents from future complaints about their agricultural lifestyle.

Sample Motion: *Mr. Chairman, I move to forward Docket Z-15-07 to the Board of Supervisors with a recommendation of Approval, with the Conditions of Approval recommended by staff; the Factors in Favor of Approval constituting the Findings of Fact.*

#### **VIII. ATTACHMENTS**

- A. Application
- B. Location Map
- C. Aerial map
- D. Conceptual plan for Pomerene River Estates
- E. Tres Alamos Area Plan
- F. Resolution 13-33 San Pedro Domestic Water Improvement District
- G. ADWR Analysis of Adequate Water Supply
- H. Agency comments
- I. Citizen Notification Letter
- J. Public comments



# COCHISE COUNTY COMMUNITY DEVELOPMENT

*"Public Programs...Personal Service"*

## COCHISE COUNTY REZONING APPLICATION

Submit to: Cochise County Community Development Department  
1415 Melody Lane, Building E, Bisbee, Arizona 85603

1. Applicant's Name: Mark M. Kartchner
2. Mailing Address: PMB 371 Suite 309, 8987 Tanque Verde Road  
Tucson AZ 85749  
City State Zip Code
3. Telephone Number of Applicant: (520) 749-1416
4. Telephone Number of Contact Person if Different: (520) 881-7490 Paul Oland
5. Email Address: Mark Kartchner - caverns22@msn.com // Paul Oland - gpoland@wlbgroup.com
6. Assessor's Tax Parcel Number: 208 - 59 - 012C  
208 - 61 - 007A (Can be obtained from your County property tax statement)
7. Applicant is (check one):
  - Sole owner: ☒
  - Joint Owner: \_\_\_\_\_ (See number 8)
  - Designated Agent of Owner: \_\_\_\_\_
  - If not one of the above, explain interest in rezoning: \_\_\_\_\_
7. If applicant is **not** sole owner, attach a list of all owners of property proposed for rezoning by parcel number. Include all real parties in interest, such as beneficiaries of trusts, and specify if owner is an individual, a partnership, or a corporation:
  - List attached (if applicable): \_\_\_\_\_
8. If applicant is **not** sole owner, indicate which **notarized** proof of agency is attached:
  - If corporation, corporate resolution designating applicant to act as agent: \_\_\_\_\_
  - If partnership, written authorization from partner: \_\_\_\_\_
  - If designated agent, attach a **notarized** letter from the property owner(s) authorizing representation as agent for this application.

9. Attach a proof of ownership for all property proposed for rezoning. Check which proof of ownership is attached:

- Copy of deed of ownership: \_\_\_\_\_
- Copy of title report: \_\_\_\_\_
- Copy of tax notice: ☒ \_\_\_\_\_
- Other, list: \_\_\_\_\_

10. Will approval of the rezoning result in more than one zoning district on any tax parcel?

- Yes \_\_\_\_\_ No ☒ \_\_\_\_\_

11. If property is a new split, or the rezoning request results in more than one zoning district on any tax parcel then a copy of a survey and associated legal description stamped by a surveyor or engineer licensed by the State of Arizona must be attached.

12. Is more than one parcel contained within the area to be rezoned? Yes ☒ No \_\_\_\_\_

- If yes and more than one property owner is involved, have all property owners sign the attached consent signature form.

13. Indicate existing Zoning District for Property: R-4

14. Indicate proposed Zoning District for Property: R-2

**Note: A copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached. Review this criteria and supply all information that applies to your rezoning. Feel free to call the Planning Department with questions regarding what information is applicable.**

15. Comprehensive Plan Category: D (A County planner can provide this information.)

Tres Alamos

16. Comprehensive Plan Designation or Community Plan: Plan (A County planner can provide this information.)

**Note: in some instances a Plan Amendment might be required before the rezoning can be processed. Reference the attached rezoning criteria, Section A.**

17. Describe all structures already existing on the property: There are no current structures on the subject property.

18. List all proposed uses and structures which would be established if the zoning change is approved. Be complete. Please attach a site plan: \_\_\_\_\_

295 one-acre home sites -- See Attached Preliminary Site Plan

19. Are there any deed restrictions or private covenants in effect for this property?

- No ☒ Yes ☐
- If yes, is the proposed zoning district compatible with all applicable deed restrictions/private covenants? Yes ☐ No ☐
- Provide a copy of the applicable restrictions (these can be obtained from the Recorder's office using the recordation Docket number)

20. Which streets or easements will be used for traffic entering and exiting the property?

Cascabel Road (Two other roads near property -- Fly Catcher Lane & Dusty Quail Run Road)

21. What off-site improvements are proposed for streets or easements used by traffic that will be generated by this rezoning? None, as this is a low density request that is not expected to generate significant traffic.

22. How many driveway cuts do you propose to the streets or easements used by traffic that will be generated by this rezoning? \_\_\_\_\_

23. Identify how the following services will be provided:

Service	Utility Company/Service Provider	Provisions to be made
Water	San Pedro Domestic Water Imp. Dist.	
Sewer/Septic	Septic	
Electricity	Sulphur Springs Valley Electric Coop.	Will be extended through neighborhood
Natural Gas	Southwest Gas Corporation	
Telephone		
Fire Protection	Benson & Pomerene Volunteer Fire	

24. This section provides an opportunity for you to explain the reasons why you consider the rezoning to be appropriate at this location. The attached copy of the criteria used to determine if there is a presumption in favor of or against this rezoning is attached for your reference (attach additional pages as needed). \_\_\_\_\_

See attachment containing evaluation criteria.

25. AFFIDAVIT

I, the undersigned, do hereby file with the Cochise County Planning Commission this petition for rezoning. I certify that, to the best of my knowledge, all the information submitted herein and in the attachments is correct. I hereby authorize the Cochise County Planning Department staff to enter the property herein described for the purpose of conducting a field visit.

Applicant's Signature:

Mark M. Karlstuen Manager

Date:

7/23/15



## CONSENT SIGNATURE FORM

### OF PROPERTY OWNERS WITHIN THE PROPOSED ZONING DISTRICT

This form is to be completed if there is more than one property owner and more than one parcel within the proposed zoning district.

I, the undersigned owner of record of property which lies within the area of the proposed rezoning set forth in the attached application, do hereby consent to the proposed change of zoning district boundary or reclassification of the property(ies) sought for rezoning. I do hereby certify and declare that I was afforded an opportunity to read the full and complete application prior to affixing by signature hereon.

Parcel Number	Owner of Record, Printed Name & Address	Signature	Date
208.59.012C		<i>Mark Mitkarlov</i>	7/23/15
208.61.007A		<i>Mark Mitkarlov</i>	7/23/15

(Attach separate pages if necessary)

**POMERENE RIVER ESTATES  
REZONING APPLICATION SUPPLEMENTAL INFORMATION**

This document has been prepared to support the proposed 621± acre Pomerene Estates Rezoning request.

**Project Description**

The project is located in sections 21 and 28 of Township 16 south and Range 20 east, within Cochise County, Arizona. The total acreage in the subject area is 621± acres. It is located in the Comprehensive Plan Designation of Category D (rural) as well as the Tres Alamos Area Plan. The current zoning of RU-4 allows 208 homesites with 50% open space. The proposed rezoning to RU-2 would allow the development to consist of approximately 416 one acre home sites, with 50% of the project conserved as open space. However, only 295 one acre homesites are proposed in the development, keeping 50% open space and not utilizing the density bonus.

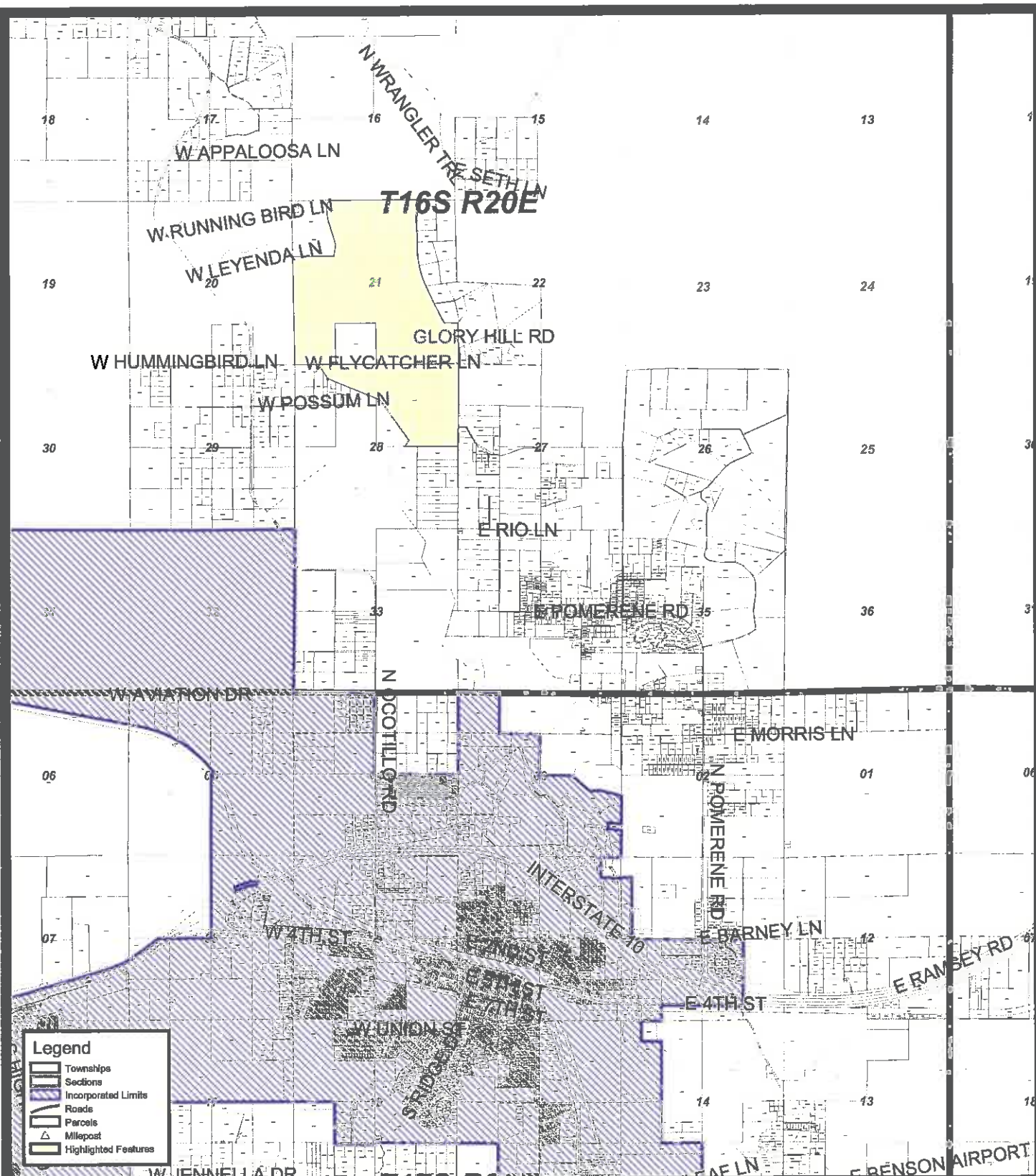
**Rezoning Application Evaluation & Criteria**

1. *Site Plan* – 295 one-acre homesites, which is compatible with existing low density residential in the area.
2. *Compliance with Site Development Standards* - Proposed development meets all regulations of the RU-2 zoning district.
3. *Adjacent Districts Remain Capable of Development* - The low density proposed development will not adversely affect adjoining districts making them incapable of development.
4. *Limitation on Creation of Nonconforming Uses* – The project site will conform to the land use regulations of the proposed zoning district. No nonconforming uses will be created.
5. *Compatibility with Existing Development* - The area is characterized by scattered rural development and will be an extension of existing rural and agricultural land uses to the east, south and west of the subject property.
6. *Rezoning to more Intense Districts* – The proposed zoning district is compatible with existing nearby zoning districts.
7. *Adequate Services Infrastructure* – The proposed development will be providing adequate services. Water and dry utility infrastructure will be extended throughout the neighborhood.
8. *Traffic Circulation Criteria* – Low impact to existing road system. Connecting to existing collector road serving the area.
9. *Development Along Major Streets* – Proposed development has access points on Cascabel Road, which is the primary collector road in the area.
10. *Infill* – Not applicable – Proposed zoning district is not GB, LI or HI, so the development is not considered infill.
11. *Unique Topographic Features* – The subject property is considerably flat with no unique topographic features.

12. *Water Conservation* – The water allocation for twice the density being requested was approved several years ago by Arizona Department of Water Resources. The residential water requirements are less than a quarter of that utilized for farming which, will be discontinued once any development proceeds. Also the water for residential use is from an aquifer over 1000 feet deep, which will not affect the shallow river aquifer.
13. *Public Input* – A letter from the property owner, Dr. Mark Kartchner, to surrounding neighbors was mailed in April 2015 (see attachment). Dr. Kartchner heard back via telephone from four neighbors, all of whom were in favor of the proposed development. They offered support due to the conservation open space component.
14. *Hazardous Materials* – Not applicable. However it is worth noting that retiring this farmland will greatly reduce the amount of pesticides, nitrates, and other chemicals entering the San Pedro river watershed.
15. *Compliance with Applicable Area Plan, Master Development Plan or Comprehensive Plan* – The subject property lies within the Category D growth area. This category includes the outlying rural areas between cities and unincorporated communities. Large lot rural residential development is mentioned as a component of this growth area. Within the Category D growth area, the Plan Designation is Rural. The proposed rezoning and development fall in line with the characteristics that identify the rural plan designation.


The subject property also lies within the Tres Alamos Area Plan boundary. The proposed development fits in line with the Tres Alamos vision statements in regards to maintaining a rural quality characterized by quiet, peacefulness, neighborliness and the beauty of the rural environment. This development intends on contributing to the vision by protecting the water resources found within the region and specifically to the San Pedro River.

A major goal with this rezoning is to preserve in perpetuity the beautiful mesquite bosques along the river for future generations to hike, picnic, appreciate, and to enjoy this unique bounty of nature.



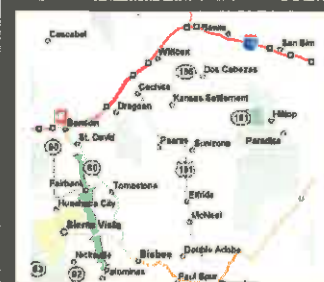
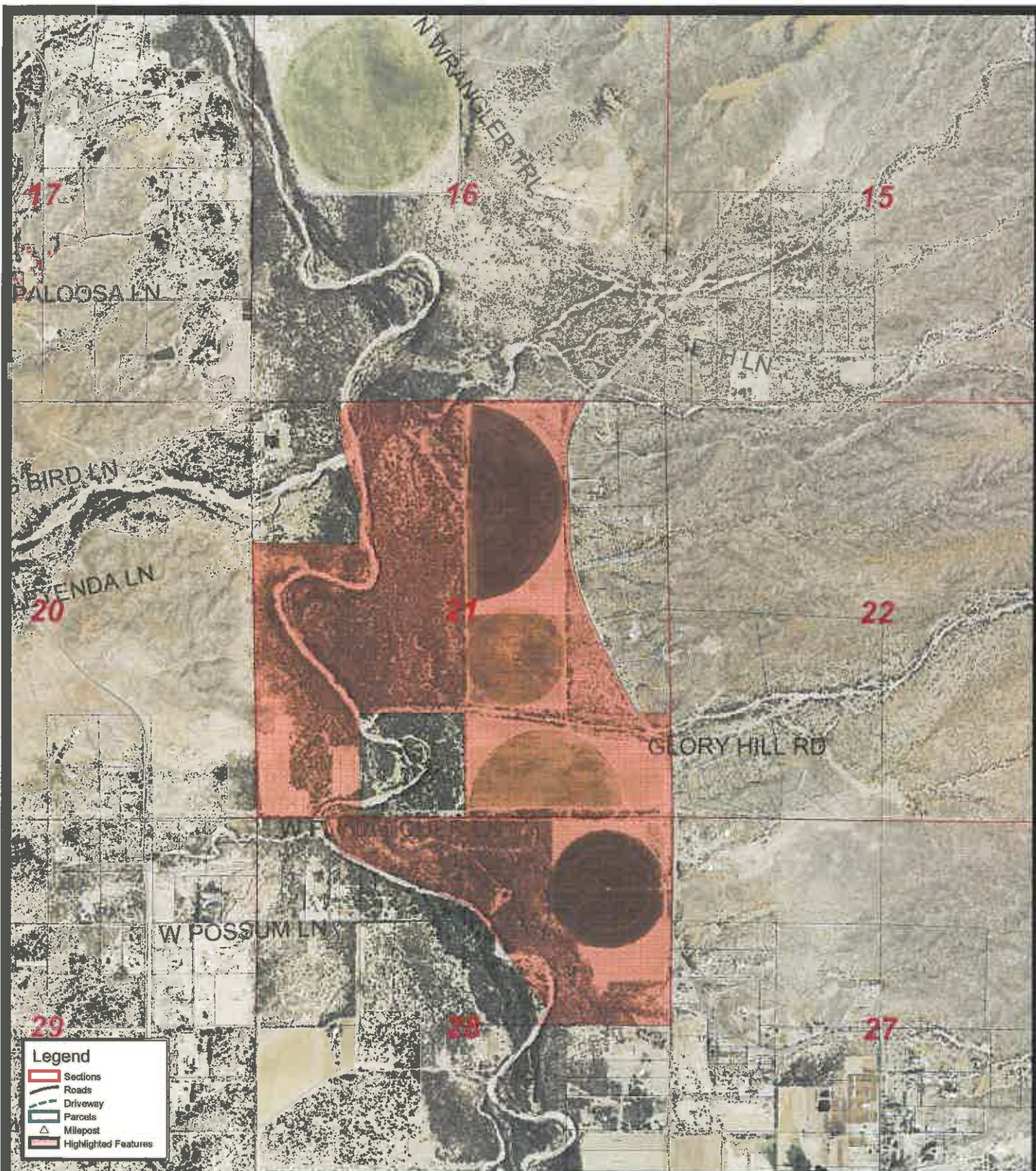
Z-15-07 (Kartchner)  
 APN 208-59-012C  
 APN 208-61-007A  
 Cascabel Rd. N of I-10  
**ATTACHMENT B**

This map is a product of the  
 Cochise County GIS  
 Information Technology Dept.

66  B

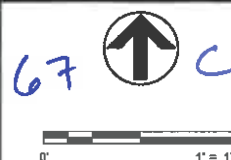
0' 1" = 4441'



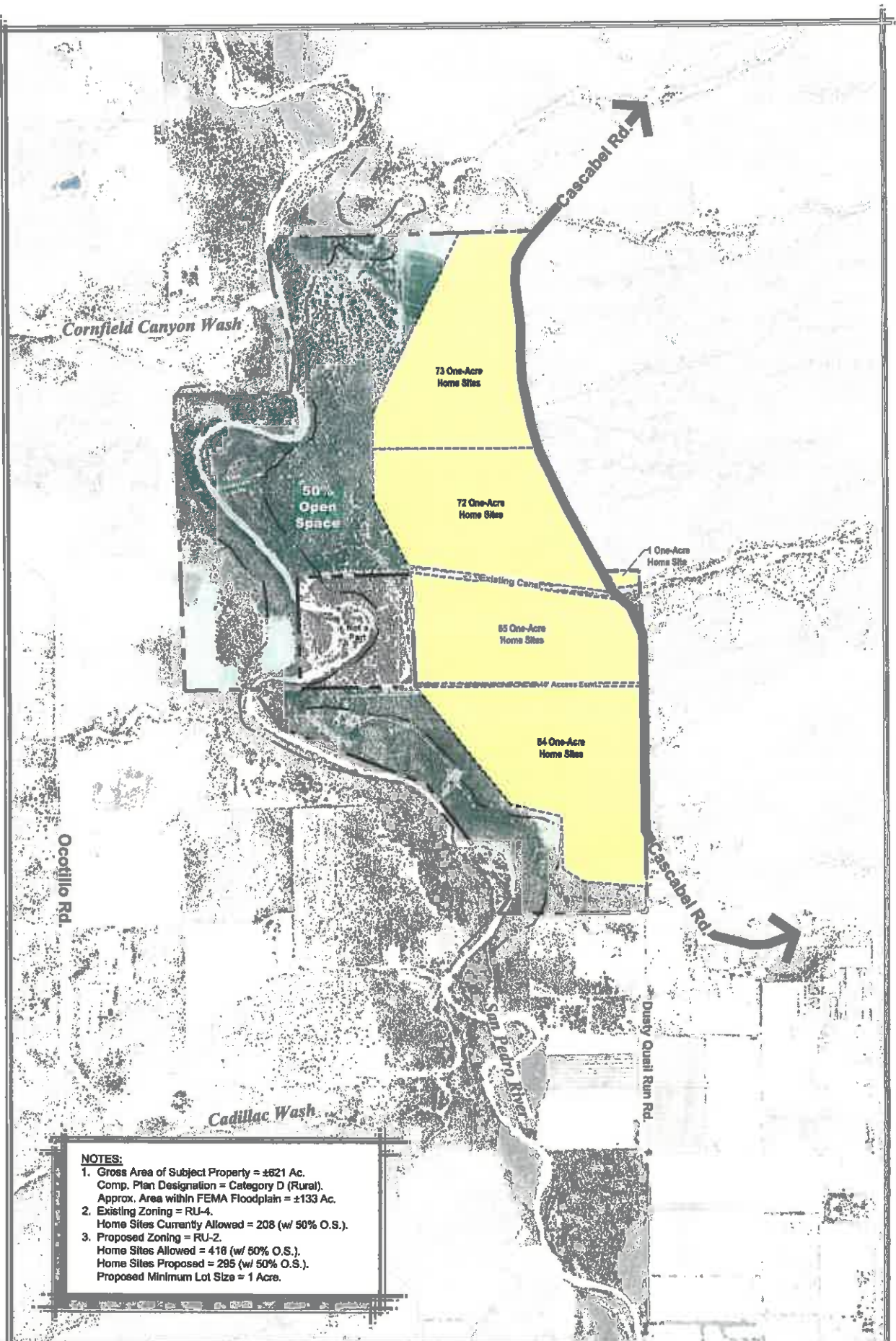


Z-15-07 (Kartchner)  
 APN 208-59-012C  
 APN 208-61-007A  
 Cascabel Rd. N of I-10  
 ATTACHMENT C

This map is a product of the  
 Cochise County GIS  
 Information Technology Dept.







**NOTES:**

1. Gross Area of Subject Property = ±621 Ac.  
Comp. Plan Designation = Category D (Rural).  
Approx. Area within FEMA Floodplain = ±133 Ac.
2. Existing Zoning = RU-4.  
Home Sites Currently Allowed = 206 (w/ 50% O.S.).
3. Proposed Zoning = RU-2.  
Home Sites Allowed = 416 (w/ 50% O.S.).  
Home Sites Proposed = 295 (w/ 50% O.S.).  
Proposed Minimum Lot Size = 1 Acre.





## **COCHISE COUNTY PLANNING DEPARTMENT**

1415 Melody Lane, Bisbee, Arizona 85603

(520) 432-9240

Fax 432-927

*Judy Anderson, Director*

### ***Tres Alamos Area Plan***

The **Tres Alamos Area Plan** consists of the Vision Statement, the Policies and a Land Use Map. The Land Use Map identifies the boundaries of the Plan Area. The land use designation within the Plan Area is the "Rural Residential" (RR) designation within a Category "D" Rural Area designation.

Amendments to the Comprehensive Plan land use designations do not change the underlying zoning district designations for any parcel lying within the Plan area. The underlying zoning remains until a property owner seeks to change the zoning through a rezoning process.

#### **Vision Statement**

"In the year 2020 the Tres Alamos communities will maintain a rural quality characterized by quiet, peacefulness, neighborliness, the beauty of the rural environment and large lot sizes. The community will maintain a trail network while protecting wildlife pathways, green open spaces and dark night skies. New development will contribute to this Vision and will honor the rich ranching history of the area and will preserve historic sites and trails."

#### **Land Use Policies**

1. Heavy industry is not appropriate.
2. Legal subdivisions are preferable to lot splitting.
3. All approvals for rezonings to a higher density shall be conditioned with the requirement that new development proceed under the subdivision process.
4. Improved roads should be required as part of new development and should be designed to (a) be safe for residential traffic; (b) reflect a rural residential character; and (c) be pedestrian-, bicycle- and equestrian-friendly.
5. Water resources should be protected, particularly groundwater levels for home sites and watersheds serving the San Pedro River. Unique natural water features, such as natural springs and ponds, should be preserved.

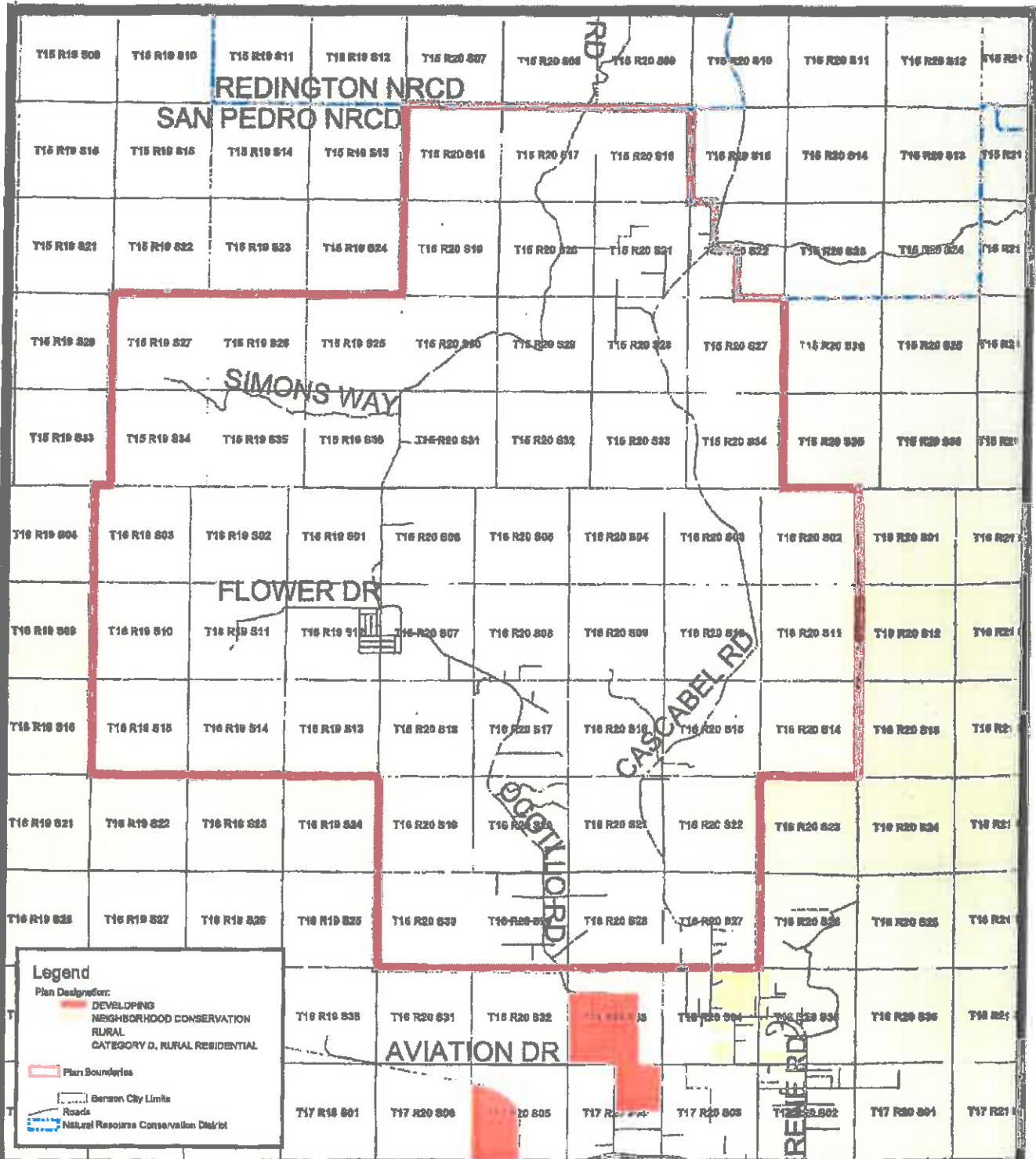
### How the Plan is to be Used

The purpose of the proposed Tres Alamos Area Plan is to guide future growth and conservation efforts within the Plan Area. The Vision Statement and policies provide direction and guidance on how the community chooses to direct residential and non-residential development, infrastructure, and new building forms in order to sustain and strengthen the natural resources, rural character, privacy and healthy livability of the community.

It is intended that Applicants for subdivisions, rezonings and special use permits will review the Plan's Vision Statement and policies prior to designing the site plans for their Project and will address the Vision Statement and its values in the siting of infrastructure, roadways and trails, building sites and building orientation, areas for open space and natural resource conservation and various land uses to insure that their proposals meet the Vision Statement. Applicants who propose Projects that satisfy the land use and design values of the Vision Statement can be expected to be supported in their efforts by the Tres Alamos community, the Planning and Zoning Commission, and the Board of Supervisors. Developers should use the information in this Plan to select appropriate sites for development and to assist in the layout and design of their Projects. Prospective residents can use the Plan to identify the valued resources of the Community and to gain some assurance that these resources would be protected in the future by County staff and legislators.

The text of the *Countywide Comprehensive Plan* identifies land use policies that can be used to measure new development within various parts of the County. An Area Plan, typically, provides a set of policies which can be viewed as a sub-set of the broader Countywide policies and which are deemed more specifically reflective of the local physical environment, its setting, and the values and desires shared by the local community. The policies within this Area Plan are to be used to measure the suitability or appropriateness of a development proposal within the Plan Area. At a minimum, if a proposal meets or satisfies a specific policy of the Area Plan, this would be deemed a *factor in favor of approval* of the proposal. Conversely, if the proposal did not meet the policies of the Area Plan, it would be deemed by staff to represent a *factor against* the proposal, or a factor for staff or legislators to create conditions of approval to alter or redesign the proposal to positively address the Plan Vision and policies.

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Tres Alamos Area Plan  
 Adopted by Board of Supervisors  
 July 11, 2006  
 by Resolution 06-53

This map is a product of the  
 Cochise County GIS



0' 1" = 100'

RESOLUTION 13-33

**ESTABLISHING AN IMPROVEMENT DISTRICT TO BE KNOWN AS  
THE SAN PEDRO DOMESTIC WATER IMPROVEMENT DISTRICT  
AND SETTING FORTH THE BOUNDARIES THEREOF**

**WHEREAS**, A.R.S. § 48-902 authorizes the Cochise County Board of Supervisors to establish county improvement districts; and

**WHEREAS**, A.R.S. § 48-909(A)(6) authorizes an improvement district to acquire, construct, reconstruct or repair domestic water works; and

**WHEREAS**, A.R.S. § 48-905 requires that, prior to the establishment of such improvement district the Cochise County Board of Supervisors shall conduct a public hearing, noticed in the manner required by law, at which time any interested property owner may be heard on any matter relating to the establishment of the proposed district; and

**WHEREAS**, a petition of the owners of one hundred percent of the real property owners within the boundaries of the proposed improvement district to be known as the San Pedro Domestic Water Improvement District was filed with the Clerk of the Board on September 30, 2013; and

**WHEREAS**, pursuant to A.R.S. § 48-905(C), if the petition is signed by the owners of all the real property in the proposed district and if the petitioners provide a copy of record search that shows the names of the owners of all the property in the proposed district, the Board of Supervisors may summarily order the formation of the district and a hearing is not required.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Cochise County, Arizona, that:

1. That it is the findings of the Cochise County Board of Supervisors that the petition is signed by the requisite number of owners of real property and that the public convenience, necessity and welfare will be promoted by the establishment of an improvement district to be known as the San Pedro Water Improvement District.
2. The boundaries of this district and the lands to be included therein are as described in the attached Exhibit "A."

ATTACHMENT F

**RESOLUTION 13-33**

**Re: Establishing An Improvement District To Be Known As The San Pedro Domestic Water Improvement District And Setting Forth The Boundaries Thereof**

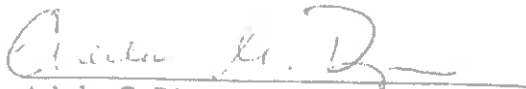
**Page 2**

3. That it is the finding of the Cochise County Board of Supervisors that all properties within the area shown in Exhibit "A" will be benefited by the establishment of the proposed District.
4. That said District shall be a body corporate with the powers of a municipal corporation for the purpose for which it is organized.
5. That the establishment of said district shall be effective upon execution of this Resolution by the Chairman of the Board of Supervisors.
6. That the District shall be governed by a three member elected Board of Directors. That until such time as their successors are elected, the initial Board shall consist of the following members:
  - a) Dr. Mark Kartchner
  - b) Marion Kartchner
  - c) Kevin Keith Kartchner
7. That these first directors shall meet and divide themselves into two classes, as specified in A.R.S. § 48-1012(B), for the purpose of establishing their respective terms. All regular elections shall be held on the first Tuesday of November of each even numbered year beginning in 2014.


**PASSED AND ADOPTED this 22<sup>nd</sup> day of October, 2013.**

  
Ann English, Chair  
Cochise County Board of Supervisors  
10-22-13

**ATTEST:**

  
Arlethe G. Rios,  
Clerk of the Board

**APPROVED AS TO FORM:**

  
Britt W. Hanson,  
Chief Civil Deputy County Attorney

**ARIZONA DEPARTMENT OF WATER RESOURCES**

**Office of Assured and Adequate Water Supply**

3550 North Central Ave., Phoenix, Arizona 85012

Telephone (602) 771-8585

Fax (602) 771-8689



**Janet Napolitano**  
Governor

**Herbert R. Guenther**  
Director

**ANALYSIS OF ADEQUATE WATER SUPPLY**

December 4, 2007

**File Number:** 43-700411.0000  
**Development:** Pomerene River Estates  
**Location:** Township 16 South, Range 20 East, Sections 21 & 28  
Cochise County, Arizona  
**Land Owner:** Cochise Caverns, LLC, an Arizona limited liability company

The Arizona Department of Water Resources has evaluated the Analysis of Adequate Water Supply application for Pomerene River Estates pursuant to A.A.C. R12-15-712. The proposed development includes 637 single-family residential lots, a park, a pond, and other open space. An undetermined water provider will deliver water to the master-planned development. Conclusions of the review are indicated below based on the adequate water supply criteria referenced in A.R.S. § 45-108 and A.A.C. R12-15-712.

- **Physical, Continuous, and Legal Availability of Water for 100 Years**  
On the basis of the Department's review, the Department has determined that 288.55 acre-feet per year of groundwater will be **physically and continuously available**, which is equivalent to the annual estimated water demand for the development of 288.55 acre-feet per year. The application did not include a Notice of Intent to Serve form with the application. The development is located outside of the current service area of any water provider. Therefore, the **legal availability** of the water is considered not proven. Applications for Water Reports that follow the Analysis of Adequate Supply will need to reference this letter. Individual Notices of Intent to Serve will be required for each application for a Water Report.
- **Adequate Water Quality**  
This requirement will be evaluated according to the criteria in A.A.C. R12-15-719 at the time an application for a Water Report is filed. Prior to preparing an application for a Water Report, the Office of Assured Water Supply may be contacted for further guidance.
- **Financial Capability of the Owner to Construct the Necessary Distribution System**  
This requirement will be evaluated according to the criteria in A.A.C. R12-15-720 at the time an application for a Water Report is filed. Prior to preparing an application for a Water Report for an individual subdivision plat, the Office of Assured Water Supply may be contacted for further guidance.

ATTACHMENT G


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The term of this Analysis of Adequate Water Supply is ten years from the date of this letter and may be renewed upon request, subject to approval by the Department. See A.A.C. R12-15-712. Throughout the term of this determination, the annual estimated water demand of this development will be considered when reviewing other requests for adequate water supply in the area.

**Prior to obtaining plat approval by the local platting authority and approval of the public report by the Department of Real Estate, a Water Report must be obtained for each subdivision plat. The findings of this Analysis of Adequate Water Supply may be used to demonstrate that certain requirements for a Water Report have been met. This determination may be invalidated if the development plan or other conditions change prior to filing for a Water Report.**

Questions may be directed to the Office of Assured/Adequate Water Supply at (602) 771-8585.



Sandra Fabritz-Whitney, Assistant Director  
Water Management Division

cc: Chuck Dickens, Consulting Hydrogeologist  
Rick Obenshain, Office of Assured and Adequate Water Supply  
Nicole Swindle, Legal Division  
Drew Swieczkowski, Hydrology Division



## Cochise County Community Development

Highway and Floodplain Division

Public Programs...Personal Service  
www.cochise.az.gov

### MEMORANDUM

**Date:** August 20, 2015  
**To:** Jesse Drake, Planner II  
**From:** Karen L. Lamberton, AICP, County Transportation Planner  
**Subject:** Kartchner Re-Zoning/Z-15-07/Parcel #208-59-12C & 208-61-0007A

This re-zoning proposes modifying the existing zoning from RU-4 to RU-2 on a 621.11 acre site located between Cascabel Rd. and the San Pedro River, as well as some portions of the floodplain located on the western side of the River. The applicant proposes to use the conservation subdivision option to allow increased density in return for preserving open space.

#### Traffic Analysis

A single family residential unit, either on the existing RU-4 zoned site or on the newly designated RU-2 site, would likely generate an estimated 9.52 trips per day, per the ITE Manual, 9<sup>th</sup> edition. Existing zoning would allow for a build-out of 155 residential lots, with an estimated 1,475 vehicle trips per day. This re-zoning would allow for up to 310 new homes with an estimated 2,951 vehicle trips per day. Development options allowed under the County's subdivision regulations would allow density increases that could potentially cluster homes on one acre lots, with a requirement for set aside open space.

This applicant conceptually proposes using this option which would allow, under this re-zoning, up to 416 residential lots, with an estimated 3,960 vehicle trips per day. The applicant indicates that rather than this full build-out of 416 homes he is proposing 295 one acre lots. This would likely create 2,808 vehicle trips per day, a potential increase of 1,333 trips over what is allowed in the current zoning. Morning peak hour would likely average 227 vehicles per hour and evening peak hour would likely average 300 vehicles per hour.

#### Site Floodplain Constraints

The traffic analysis above considers the development potential of the entire site. However, this site has floodplain constraints that limit the development in some areas and increases costs of building in others. Approximately 142.5 acres of this site are located within a mapped FEMA floodplain. Additional building code requirements are needed for any construction within a mapped floodplain. In addition, erosion hazard areas and building setbacks (January 29, 2013 adopted Floodplain regulations) are a minimum of 300 feet along all major natural watercourses: the San

**Highway and Floodplain**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
highway@cochise.az.gov  
floodplain@cochise.az.gov

**Planning, Zoning and Building Safety**  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
planningandzoning@cochise.az.gov

ATTACHMENT H

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Pedro River is specifically noted. These physical constraints on the development imply that clustered development is a preferred development option and that fewer houses than the zoning allows could actually be built.

### **Access Roadway Conditions**

The proposed development is located about five miles from Interstate 10: to reach the site one would travel northbound on Pomerene Rd., within the City of Benson, and from there through the small community of Pomerene to Cascabel Rd. Pomerene Rd. is a two lane, federally functionally classified as a rural minor collector, with center and edge striping, with a varied shoulder width of about 4 feet that dwindles over the bridge crossing, just east of Pomerene. Shoulders and edge striping are not in place west of the Pomerene Post Office and School area.

The intersection of Pomerene and Cascabel Rd. is a three way stop controlled intersection. Traffic counts taken in 2013 averaged 545 vehicle trips per day just north of this intersection. Turning radii is tight, shoulders non-existent, sight distance limited, turning movements encroach on both the centerline and edge of pavement with right turns frequently going off the pavement into the dirt shoulder and left turns frequently taking the center of the intersection. The Highway Dept. has received complaints from residents in this area of failure to stop at the intersection and failure to limit speeds to the posted 25 mph speed limit.

Cascabel Rd., a county maintained, rural major access roadway, lacks shoulders and does not provide all weather access. This roadway is characterized by a rolling terrain with frequent curves. Although this roadway is posted at 25 mph and in spite of the lack of adequate sight distance, the intermittent ranch access roads, the presence of cattle and other wildlife, the lack of shoulder, super-elevation to the outside of curves, speeding is very common on this roadway. Several major wash crossings are currently protected by concrete dip crossings but do not carry the 25 year storm water under the roadway. This site does not have all-weather access - road closures occur a few times a year, most often during the monsoons.

The pavement surface was first laid down between 2004 and 2006. A maintenance re-surfacing (not a re-construction which would include additional base material) occurred along this portion of Cascabel Rd. in June 2011. Chip-seal surfaces are expected to last between 5-7 years. This roadway is now a thin layer of chip-seal nearing the end of its functional life. Cracks are beginning to appear, the edges are deteriorating, and vegetation is encroaching into the chip-sealed pavement. Traffic counts taken in 2010 found 286 vehicle trips per day in the area of this proposed development.

This area, if developed either to existing or proposed zoning, would significantly increase traffic on this two lane rural roadway. A two lane roadway typically can handle no more than 900 passenger vehicles per hour or 9,000 vehicles per day, at Level of Service C, under optimum conditions, before the system begins to over-saturate. Cascabel Rd. has rolling terrain, a higher percentage of agriculture or ranch trucks/trailers, no shoulders, significant wash crossings and several sight distance issues and will begin to see conflicts at 280 vehicles per hour and 2,800 vehicles per day (at Level of Service C). This development would conceivably push the limits of the existing roadway into a declining service level with increased conflicts with turning movements, especially during the morning and evening peak hour. Right-of-Way sufficient for a rural minor collector roadway, along with drainage easements, may be needed in order to adequately maintain the future roadway.

### **On-Site Considerations**

The applicant will need to consider how to circulate traffic throughout his site. Cost considerations may limit bridging over the major washes that flow from east to west toward the San Pedro River. Given the constraints on

Cascabel Rd. and the need to keep Cascabel Rd. flowing smoothly as a collector roadway, the number of access roads making that connection should be limited. The applicant is advised that there is one land-locked private parcel within the re-zoned area, straddling the San Pedro River and primarily within the floodplain. Access to this private parcel may need to be accommodated and should be taken into consideration when developing the site traffic circulation plan. Theoretically, W. Hummingbird Lane and W. Flycatcher Lane could be connected via a bridge over the San Pedro to access Ocotillo Rd. and the landlocked private parcel but the cost/benefit ratio of doing so is unlikely to make this an economical or desirable option.

The provision of open space should also be connected to public access features to the open space areas via access roadways, parking facilities, trailheads and multi-modal amenities that potentially include equestrian facilities. Designed primarily to enhance the future subdivision, providing for public access to the set aside open space would help to mitigate the impact of increased densities along this river corridor and tie the new residential area into the Pomerene community. Maintaining the existing native vegetation, in particular the larger mesquite trees, along the roadway corridor would be a desired visual and physical buffer between the corridor and the development.

The applicant is also advised that this potential subdivision falls with the Cochise County Tres Alamos Area Plan and the provisions of that adopted area plan should be considered during any future development phase of this project.

### **Recommendation**

Land use changes do not, in and of themselves, change traffic patterns; however, they do create conditions for future transportation impacts.

This re-zoning would create the possibility of significantly increasing existing traffic on Cascabel Rd. However, it is noted that existing zoning already allows for significantly increasing existing traffic on Cascabel Rd. The site itself is a logical location for future development: it is relatively close to the Interstate, and from there to the employment centers in Benson, Sierra Vista and Tucson. Much of the land is already fully disturbed by agricultural uses and thus clustered; more dense residential units make sense and a conservation subdivision option would also help to preserve as much of the natural river corridor and mesquite Bosque that still remains intact at this location.

The applicant has proposed a conceptual plan for a 295 lot subdivision. The applicant may want to consider the potential benefits of a Master Plan for this location and include accessory residential uses into his concept. This area is on the edge of the developing Benson area and several compatible uses immediately come to mind: small scaled child care facilities, pet boarding (possibly adjacent to a dog park), residential scaled assisted living facilities, or a small coffee/deli shop. The applicant is advised to also look into the NextGen housing types (housing with pre-planned accessory living quarters or extra master bedroom suites). These types of uses would create internal circulation within the site itself, allowing residents to meet some of their needs for child care or elder care within this development. The County frequently sees these types of uses attempting to retrofit into existing residential communities and planning for them at the front end could potentially create a more marketable and livable development.

At the Master Plan or Subdivision phase the applicant is advised that they will need to provide a Traffic Impact Analysis that addresses the full build-out condition of their proposal as described in the Zoning and Subdivision regulations. Off-site and/or contribution to off-site improvements will likely be required to mitigate the development impacts and to ensure an adequate transportation corridor for the traveling public.



**Cochise County**  
**Community Development**  
**Highway and Floodplain Division**  
*Public Programs...Personal Service*  
[www.cochise.az.gov](http://www.cochise.az.gov)

**INTEROFFICE MEMO**

**Date:** 08/25/15  
**To:** Jesse Drake, Planner II  
**From:** Teresa Murphy, Right of Way Agent  
**Subject:** Rezoning Permit For Kartchner (Z-15-07)

**Background:** Mark M Kartchner is requesting a rezoning from RU-4 (Rural; one dwelling per four acres) to RU-2 (Rural, one dwelling per two acres). The applicant is requesting the rezoning in order to submit an application for a conservation subdivision. Right-of-Way staff was contacted by Planning and Zoning to review the request and provide comments regarding right-of-way dedication needs for county maintained roads.

**Analysis:**

- Access for the subject parcel is 2.5 miles North of I-10 on Cascabel Road near Benson, AZ
- Cascabel Road is a county maintained road (Maintained ID #1229).
- Cascabel Road was established as a declared county highway on November 5, 1889 per Board of Supervisor Minutes Volume 2 Pages 556-559 and an alignment recorded in 1912 per Book 2 of Maps and Plats page 13.
- A formal right-of-way conveyance (such as a Grant of Easement or a Deed of Dedication) for Cascabel Road may not have been recorded in 1889; however right-of-way may have been established per Section 8 of the Mining Act of 1866 (referred to as RS2477 rights-of-way), Arizona Revised Statute 28-7042.A and 28-7052, and other laws.

**Recommendation:**

- As a condition of rezoning the applicant shall dedicate right-of-way across the subject property in order to perfect/define rights for the historical Cascabel Road.

**Highway and Floodplain**  
1415 Melody Lane, Building F  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9337 fax  
1-800-752-3745  
[highway@cochise.az.gov](mailto:highway@cochise.az.gov)  
[floodplain@cochise.az.gov](mailto:floodplain@cochise.az.gov)

**Planning, Zoning and Building Safety**  
1415 Melody Lane, Building E  
Bisbee, Arizona 85603  
520-432-9300  
520-432-9278 fax  
1-877-777-7958  
[planningandzoning@cochise.az.gov](mailto:planningandzoning@cochise.az.gov)

79 R1

- Dedication may be either as an easement or in fee-interest, to be determined by the subject property owner.
- Based on Cochise County Road Construction Standard Figure D-102 (Rural Minor Collector & Local Roads (ADT < 2000)), minimum right-of-way to dedicated is 80 feet in width, 40 feet each side of centerline. The applicant shall be required to dedicate only those portions where the subject property lies within this 80 foot width.
- Staff can prepare the documentation necessary to be signed by the property owner.



# Arizona Environmental Online Review Tool Report



## ***Arizona Game and Fish Department Mission***

***To conserve Arizona's diverse wildlife resources and manage for safe, compatible outdoor recreation opportunities for current and future generations.***

### **Project Name:**

Z-15-07 (Kartchner) rezoning

### **Project Description:**

Cochise Co rezoning for 295 one-acre homesites and ~300+ acres open space

### **Project Type:**

Development Outside Municipalities (Rural Development), Residential subdivision and associated infrastructure, New construction

### **Contact Person:**

Kristin Terpening

### **Organization:**

AGFD

### **On Behalf Of:**

COCHISE

### **Project ID:**

HGIS-02106

***Please review the entire report for project type and/or species recommendations for the location information entered. Please retain a copy for future reference.***

**Disclaimer:**

1. This Environmental Review is based on the project study area that was entered. The report must be updated if the project study area, location, or the type of project changes.
2. This is a preliminary environmental screening tool. It is not a substitute for the potential knowledge gained by having a biologist conduct a field survey of the project area. This review is also not intended to replace environmental consultation (including federal consultation under the Endangered Species Act), land use permitting, or the Departments review of site-specific projects.
3. The Departments Heritage Data Management System (HDMS) data is not intended to include potential distribution of special status species. Arizona is large and diverse with plants, animals, and environmental conditions that are ever changing. Consequently, many areas may contain species that biologists do not know about or species previously noted in a particular area may no longer occur there. HDMS data contains information about species occurrences that have actually been reported to the Department. Not all of Arizona has been surveyed for special status species, and surveys that have been conducted have varied greatly in scope and intensity. Such surveys may reveal previously undocumented population of species of special concern.
4. HabiMap Arizona data, specifically Species of Greatest Conservation Need (SGCN) under our State Wildlife Action Plan (SWAP) and Species of Economic and Recreational Importance (SERI), represent potential species distribution models for the State of Arizona which are subject to ongoing change, modification and refinement. The status of a wildlife resource can change quickly, and the availability of new data will necessitate a refined assessment.

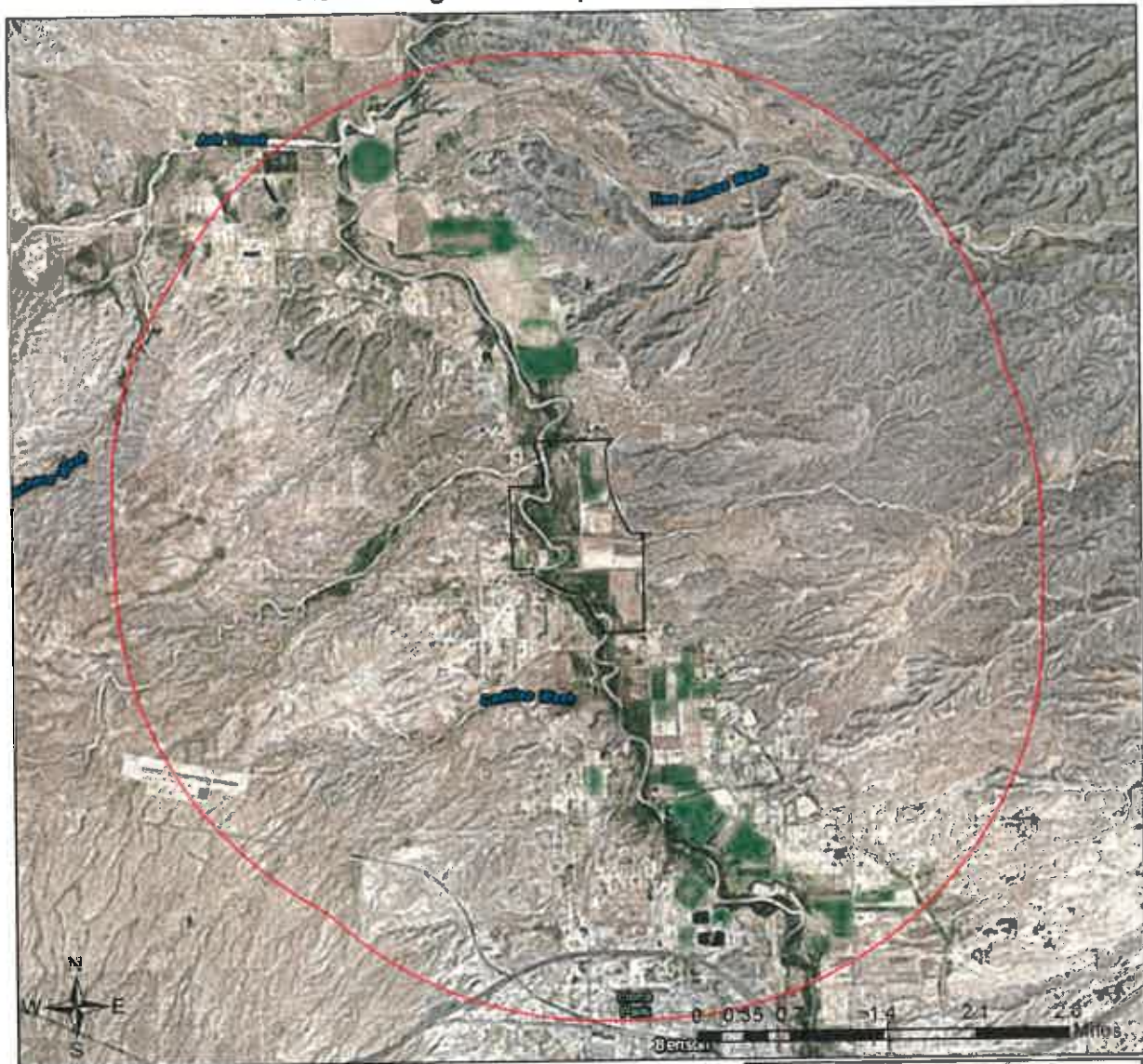
**Locations Accuracy Disclaimer:**

Project locations are assumed to be both precise and accurate for the purposes of environmental review. The creator/owner of the Project Review Report is solely responsible for the project location and thus the correctness of the Project Review Report content.

**Recommendations Disclaimer:**

1. The Department is interested in the conservation of all fish and wildlife resources, including those species listed in this report and those that may have not been documented within the project vicinity as well as other game and nongame wildlife.
2. Recommendations have been made by the Department, under authority of Arizona Revised Statutes Title 5 (Amusements and Sports), 17 (Game and Fish), and 28 (Transportation).
3. Potential impacts to fish and wildlife resources may be minimized or avoided by the recommendations generated from information submitted for your proposed project. These recommendations are preliminary in scope, designed to provide early considerations on all species of wildlife.
4. Making this information directly available does not substitute for the Department's review of project proposals, and should not decrease our opportunity to review and evaluate additional project information and/or new project proposals.
5. Further coordination with the Department requires the submittal of this Environmental Review Report with a cover letter and project plans or documentation that includes project narrative, acreage to be impacted, how construction or project activity(s) are to be accomplished, and project locality information (including site map). Once AGFD had received the information, please allow 30 days for completion of project reviews. Send requests to:  
**Project Evaluation Program, Habitat Branch**  
**Arizona Game and Fish Department**  
**5000 West Carefree Highway**  
**Phoenix, Arizona 85086-5000**  
**Phone Number: (623) 236-7600**  
**Fax Number: (623) 236-7366**  
Or  
[PEP@azgfd.gov](mailto:PEP@azgfd.gov)
6. Coordination may also be necessary under the National Environmental Policy Act (NEPA) and/or Endangered Species Act (ESA). Site specific recommendations may be proposed during further NEPA/ESA analysis or through coordination with affected agencies

## Z-15-07 (Kartchner) rezoning Aerial Image Basemap With Locator Map



- ☐ Project Boundary
- ☐ Buffered Project Boundary

Project Size (acres): 645.81

Lat/Long (DD): 32.0255 / -110.3068

County(s): Cochise

AGFD Region(s): Tucson

Township/Range(s): T16S, R20E

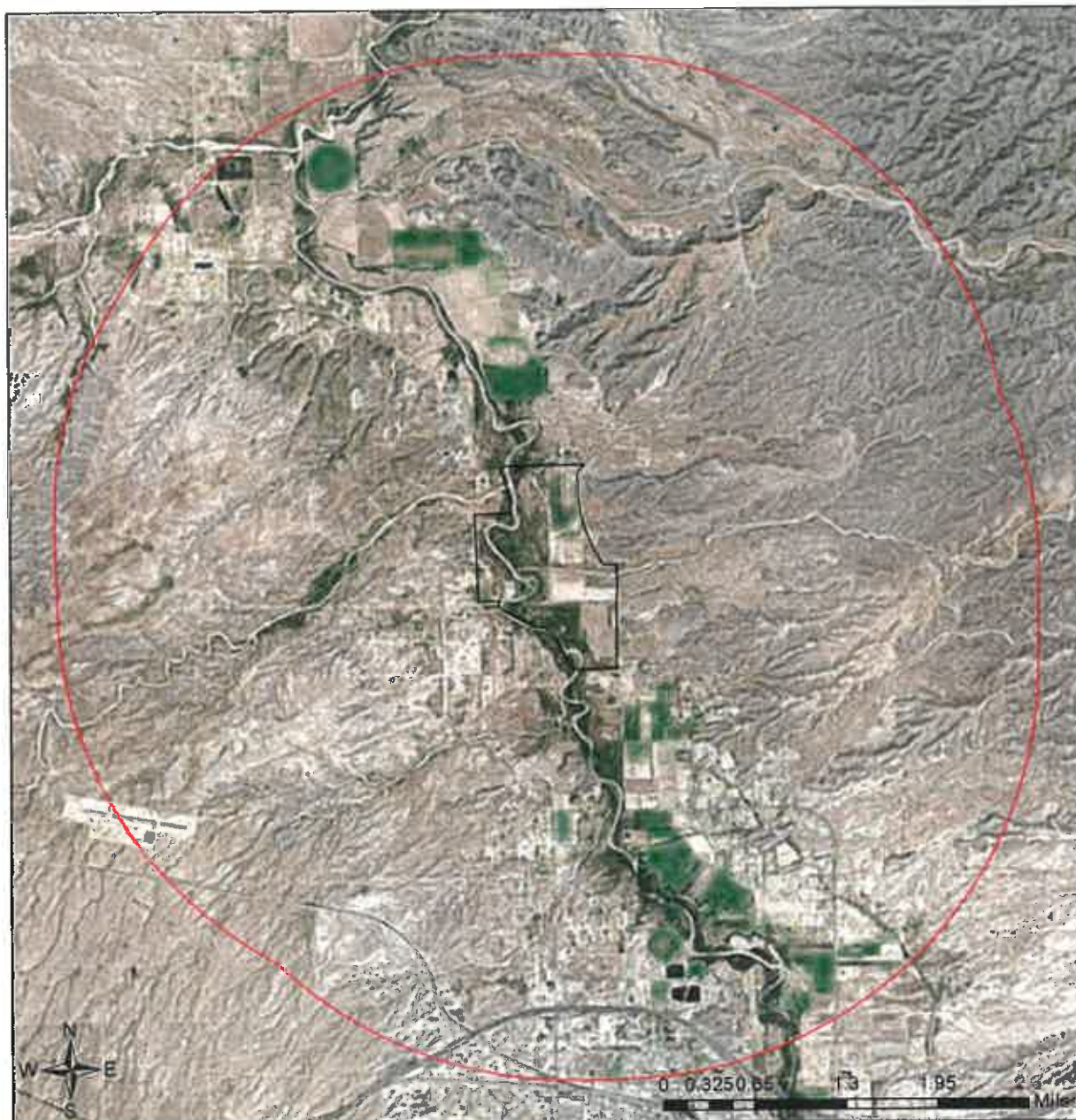
USGS Quad(s): GALLETA FLAT EAST

Service Layer Credits: Sources: Esri, HERE, DeLorme, TomTom, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong).





## Z-15-07 (Kartchner) rezoning Web Map As Submitted By User



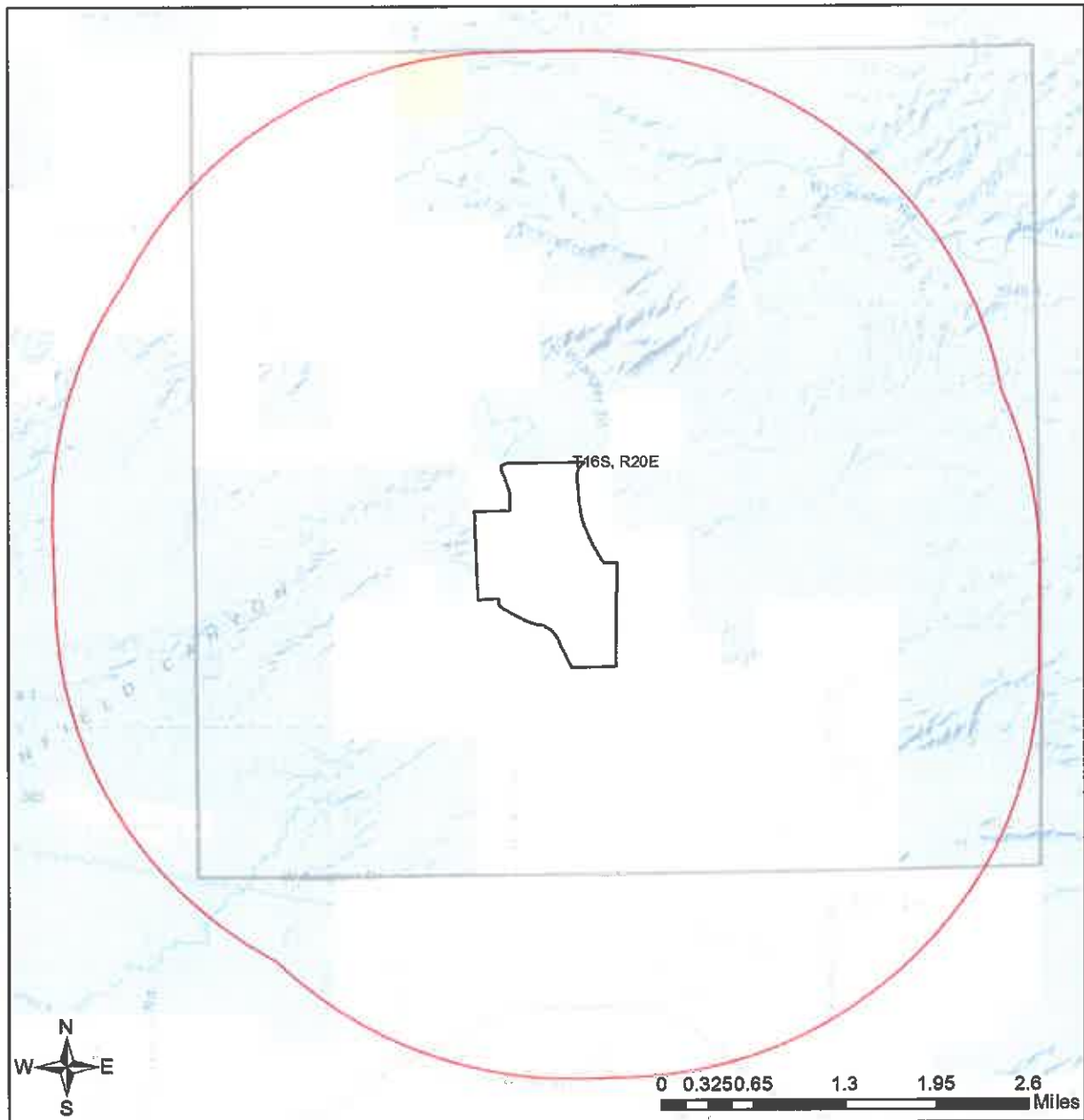
- ☐ Project Boundary
- ☐ Buffered Project Boundary

Project Size (acres): 645.81  
Lat/Long (DD): 32.0255 / -110.3068  
County(s): Cochise  
AGFD Region(s): Tucson  
Township/Range(s): T16S, R20E  
USGS Quad(s): GALLETA FLAT EAST

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community

## Z-15-07 (Kartchner) rezoning

### Topo Basemap With Township/Ranges and Land Ownership



- |                           |                          |
|---------------------------|--------------------------|
| Project Boundary          | Mixed/Other              |
| Buffered Project Boundary | National Park/Mon.       |
| Township/Ranges           | Private                  |
| AZ Game and Fish Dept.    | State and Regional Parks |
| BLM                       | State Trust              |
| BOR                       | US Forest Service        |
| Indian Res.               | Wildlife Area/Refuge     |
| Military                  |                          |

Project Size (acres): 645.81  
Lat/Long (DD): 32.0255 / -110.3068  
County(s): Cochise  
AGFD Region(s): Tucson  
Township/Range(s): T16S, R20E  
USGS Quad(s): GALLETA FLAT EAST

Sources: Esri, HERE, DeLorme, Intermap, Increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community



**Special Status Species and Special Areas Documented within 3 Miles of Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Canis lupus baileyi</i>	10J area Zone 2 for Mexican gray wolf	LE,XN				
<i>Echinomastus erectocentrus</i> var. <i>erectocentrus</i>	Needle-spined Pineapple Cactus	SC			SR	
<i>Eriogonum terrenatum</i>	San Pedro River Wild Buckwheat			S		
<i>Gopherus morafkai</i>	Sonoran Desert Tortoise	C*	S			1A
PCH for <i>Coccyzus americanus</i>	Yellow-billed Cuckoo Proposed Critical Habitat					
PCH for <i>Thamnophis eques megalops</i>	Northern Mexican gartersnake Proposed Critical Habitat					
Santa Catalina/Rincon - Galiuro Linkage Design	Wildlife Corridor					

Note: Status code definitions can be found at [http://www.azgfd.gov/w\\_c/edits/hdms\\_status\\_definitions.shtml](http://www.azgfd.gov/w_c/edits/hdms_status_definitions.shtml)

**Species of Greatest Conservation Need  
Predicted within Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Aix sponsa</i>	Wood Duck					1B
<i>Amazilia violiceps</i>	Violet-crowned Hummingbird		S			1B
<i>Ammodramus savannarum perpallidus</i>	Western Grasshopper Sparrow					1B
<i>Ammospermophilus harrisi</i>	Harris' Antelope Squirrel					1B
<i>Anthus spragueii</i>	Sprague's Pipit	C*				1A
<i>Aquila chrysaetos</i>	Golden Eagle	BGA		S		1B
<i>Aspidoscelis stictogramma</i>	Giant Spotted Whiptail	SC	S			1B
<i>Botaurus lentiginosus</i>	American Bittern					1B
<i>Buteo regalis</i>	Ferruginous Hawk	SC		S		1B
<i>Castor canadensis</i>	American Beaver					1B
<i>Coccyzus americanus</i>	Yellow-billed Cuckoo (Western DPS)	LT	S			1A
<i>Colaptes chrysoides</i>	Gilded Flicker			S		1B
<i>Coluber bilineatus</i>	Sonoran Whipsnake					1B
<i>Corynorhinus townsendii pallescens</i>	Pale Townsend's Big-eared Bat	SC	S	S		1B
<i>Crotalus lepidus</i>	Rock Rattlesnake					1A
<i>Crotalus tigris</i>	Tiger Rattlesnake					1B
<i>Cynanthus latirostris</i>	Broad-billed Hummingbird		S			1B
<i>Cynomys ludovicianus</i>	Black-tailed Prairie Dog	SC		S		1A
<i>Dipodomys spectabilis</i>	Banner-tailed Kangaroo Rat			S		1B
<i>Empidonax traillii extimus</i>	Southwestern Willow Flycatcher	LE				1A
<i>Euderma maculatum</i>	Spotted Bat	SC	S	S		1B
<i>Eumops perotis californicus</i>	Greater Western Bonneted Bat	SC		S		1B

**Species of Greatest Conservation Need**  
**Predicted within Project Vicinity based on Predicted Range Models**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
<i>Falco peregrinus anatum</i>	American Peregrine Falcon	SC	S	S		1A
<i>Haliaeetus leucocephalus</i>	Bald Eagle	SC, BGA	S	S		1A
<i>Heloderma suspectum</i>	Gila Monster					1A
<i>Hypsiglena sp. nov.</i>	Hooded Nightsnake					1B
<i>Ictinia mississippiensis</i>	Mississippi Kite					1B
<i>Incilius alvarius</i>	Sonoran Desert Toad					1B
<i>Kinosternon sonoriense sonoriense</i>	Desert Mud Turtle			S		1B
<i>Lasiurus blossevillei</i>	Western Red Bat		S			1B
<i>Lasiurus xanthinus</i>	Western Yellow Bat		S			1B
<i>Leopardus pardalis</i>	Ocelot	LE				1A
<i>Leptonycteris curasoae yerbabuenae</i>	Lesser Long-nosed Bat	LE				1A
<i>Lepus alleni</i>	Antelope Jackrabbit					1B
<i>Macrotus californicus</i>	California Leaf-nosed Bat	SC		S		1B
<i>Melanerpes uropygialis</i>	Gila Woodpecker					1B
<i>Melospiza lincolnii</i>	Lincoln's Sparrow					1B
<i>Melospiza aberti</i>	Abert's Towhee		S			1B
<i>Micruroides euryxanthus</i>	Sonoran Coralsnake					1B
<i>Myotis occultus</i>	Arizona Myotis	SC		S		1B
<i>Myotis velifer</i>	Cave Myotis	SC		S		1B
<i>Myotis yumanensis</i>	Yuma Myotis	SC				1B
<i>Notiosorex cockrumi</i>	Cockrum's Desert Shrew					1B
<i>Nyctinomops femorosaccus</i>	Pocketed Free-tailed Bat					1B
<i>Panthera onca</i>	Jaguar	LE				1A
<i>Passerculus sandwichensis</i>	Savannah Sparrow					1B
<i>Peucaea botteri arizonae</i>	Arizona Botteri's Sparrow			S		1B
<i>Peucaea carpalis</i>	Rufous-winged Sparrow					1B
<i>Phrynosoma solare</i>	Regal Horned Lizard					1B
<i>Progne subis hesperia</i>	Desert Purple Martin			S		1B
<i>Setophaga petechia</i>	Yellow Warbler					1B
<i>Tadarida brasiliensis</i>	Brazilian Free-tailed Bat					1B
<i>Terrapene ornata</i>	Ornate Box Turtle					1A
<i>Thomomys umbrinus intermedius</i>	Southern Pocket Gopher					1B
<i>Troglodytes pacificus</i>	Pacific Wren					1B
<i>Vireo bellii arizonae</i>	Arizona Bell's Vireo					1B
<i>Vulpes macrotis</i>	Kit Fox					1B

**Species of Economic and Recreation Importance Predicted within Project Vicinity**

Scientific Name	Common Name	FWS	USFS	BLM	NPL	SGCN
Callipepla gambellii	Gambel's Quail					
Callipepla squamata	Scaled Quail					1C
Odocoileus hemionus	Mule Deer					
Patagioenas fasciata	Band-tailed Pigeon					1C
Pecari tajacu	Javelina					
Puma concolor	Mountain Lion					
Zenaida asiatica	White-winged Dove					

**Project Type: Development Outside Municipalities (Rural Development), Residential subdivision and associated infrastructure, New construction**

**Project Type Recommendations:**

Fence recommendations will be dependant upon the goals of the fence project and the wildlife species expected to be impacted by the project. General guidelines for ensuring wildlife-friendly fences include: barbless wire on the top and bottom with the maximum fence height 42", minimum height for bottom 16". Modifications to this design may be considered for fencing anticipated to be routinely encountered by elk, bighorn sheep or pronghorn (e.g., Pronghorn fencing would require 18" minimum height on the bottom). Please refer to the Department's Fencing Guidelines located on the home page of this application at <http://www.azgfd.gov/hgis/guidelines.aspx>.

During the planning stages of your project, please consider the local or regional needs of wildlife in regards to movement, connectivity, and access to habitat needs. Loss of this permeability prevents wildlife from accessing resources, finding mates, reduces gene flow, prevents wildlife from re-colonizing areas where local extirpations may have occurred, and ultimately prevents wildlife from contributing to ecosystem functions, such as pollination, seed dispersal, control of prey numbers, and resistance to invasive species. In many cases, streams and washes provide natural movement corridors for wildlife and should be maintained in their natural state. Uplands also support a large diversity of species, and should be contained within important wildlife movement corridors. In addition, maintaining biodiversity and ecosystem functions can be facilitated through improving designs of structures, fences, roadways, and culverts to promote passage for a variety of wildlife.

Consider impacts of outdoor lighting on wildlife and develop measures or alternatives that can be taken to increase human safety while minimizing potential impacts to wildlife. Conduct wildlife surveys to determine species within project area, and evaluate proposed activities based on species biology and natural history to determine if artificial lighting may disrupt behavior patterns or habitat use. Use only the minimum amount of light needed for safety. Narrow spectrum bulbs should be used as often as possible to lower the range of species affected by lighting. All lighting should be shielded, cantered, or cut to ensure that light reaches only areas needing illumination.

Minimize potential introduction or spread of exotic invasive species. Invasive species can be plants, animals (exotic snails), and other organisms (e.g., microbes), which may cause alteration to ecological functions or compete with or prey upon native species and can cause social impacts (e.g., livestock forage reduction, increase wildfire risk). The terms noxious weed or invasive plants are often used interchangeably. Precautions should be taken to wash all equipment utilized in the project activities before leaving the site. Arizona has noxious weed regulations (Arizona Revised Statutes, Rules R3-4-244 and R3-4-245). See Arizona Department of Agriculture website for restricted plants, <https://agriculture.az.gov/>. Additionally, the U.S. Department of Agriculture has information regarding pest and invasive plant control methods including: pesticide, herbicide, biological control agents, and mechanical control, <http://www.usda.gov/wps/portal/usdahome>. The Department regulates the importation, purchasing, and transportation of wildlife and fish (Restricted Live Wildlife), please refer to the hunting regulations for further information [http://www.azgfd.gov/h\\_f/hunting\\_rules.shtml](http://www.azgfd.gov/h_f/hunting_rules.shtml)

The construction or maintenance of water developments should include: incorporation of aspects of the natural environment and the visual resources, maintaining the water for a variety of species, water surface area (e.g., bats require a greater area due to in-flight drinking), accessibility, year-round availability, minimizing potential for water quality problems, frequency of flushing, shading of natural features, regular clean-up of debris, escape ramps, minimizing obstacles, and minimizing accumulation of silt and mud.

Minimization and mitigation of impacts to wildlife and fish species due to changes in water quality, quantity, chemistry, temperature, and alteration to flow regimes (timing, magnitude, duration, and frequency of floods) should be evaluated. Minimize impacts to springs, in-stream flow, and consider irrigation improvements to decrease water use. If dredging is a project component, consider timing of the project in order to minimize impacts to spawning fish and other aquatic species (include spawning seasons), and to reduce spread of exotic invasive species. We recommend early direct coordination with Project Evaluation Program for projects that could impact water resources, wetlands, streams, springs, and/or riparian habitats.

The Department recommends that wildlife surveys are conducted to determine if noise-sensitive species occur within the project area. Avoidance or minimization measures could include conducting project activities outside of breeding seasons.

Based on the project type entered, coordination with State Historic Preservation Office may be required (<http://azstateparks.com/SHPO/index.html>).

Trenches should be covered or back-filled as soon as possible. Incorporate escape ramps in ditches or fencing along the perimeter to deter small mammals and herptefuna (snakes, lizards, tortoise) from entering ditches.

Communities can actively support the sustainability and mobility of wildlife by incorporating wildlife planning into their regional/comprehensive plans, their regional transportation plans, and their open space/conservation land system programs. An effective approach to wildlife planning begins with the identification of the wildlife resources in need of protection, an assessment of important habitat blocks and connective corridors, and the incorporation of these critical wildlife components into the community plans and programs. Community planners should identify open spaces and habitat blocks that can be maintained in their area, and the necessary connections between those blocks to be preserved or protected. Community planners should also work with State and local transportation planning entities, and planners from other communities, to foster coordination and cooperation in developing compatible development plans to ensure wildlife habitat connectivity. The Department's guidelines for incorporating wildlife considerations into community planning and developments can be found on the home page of this application at <http://www.azgfd.gov/hgis/guidelines.aspx>.

Design culverts to minimize impacts to channel geometry, or design channel geometry (low flow, overbank, floodplains) and substrates to carry expected discharge using local drainages of appropriate size as templates. Reduce/minimize barriers to allow movement of amphibians or fish (e.g., eliminate falls). Also for terrestrial wildlife, washes and stream corridors often provide important corridors for movement. Overall culvert width, height, and length should be optimized for movement of the greatest number and diversity of species expected to utilize the passage. Culvert designs should consider moisture, light, and noise, while providing clear views at both ends to maximize utilization. For many species, fencing is an important design feature that can be utilized with culverts to funnel wildlife into these areas and minimize the potential for roadway collisions. Guidelines for culvert designs to facilitate wildlife passage can be found on the home page of this application at <http://www.azgfd.gov/hgis/guidelines.aspx>.

Based on the project type entered, coordination with Arizona Department of Environmental Quality may be required (<http://www.azdeq.gov/>).

Based on the project type entered, coordination with Arizona Department of Water Resources may be required (<http://www.azwater.gov/azdwr/default.aspx>).

Based on the project type entered, coordination with U.S. Army Corps of Engineers may be required (<http://www.usace.army.mil/>)

Based on the project type entered, coordination with County Flood Control district(s) may be required.

Development plans should provide for open natural space for wildlife movement, while also minimizing the potential for wildlife-human interactions through design features. Please contact Project Evaluation Program for more information on living with urban wildlife.

Vegetation restoration projects (including treatments of invasive or exotic species) should have a completed site-evaluation plan (identifying environmental conditions necessary to re-establish native vegetation), a revegetation plan (species, density, method of establishment), a short and long-term monitoring plan, including adaptive management guidelines to address needs for replacement vegetation.

**The Department requests further coordination to provide project/species specific recommendations, please contact Project Evaluation Program directly. [PEP@azgfd.gov](mailto:PEP@azgfd.gov)**

**Project Location and/or Species Recommendations:**

HDMS records indicate that one or more native plants listed on the Arizona Native Plant Law and Antiquities Act have been documented within the vicinity of your project area. Please contact:

Arizona Department of Agriculture

1688 W Adams St.

Phoenix, AZ 85007

Phone: 602.542.4373

<https://agriculture.az.gov/environmental-services/np1>

HDMS records indicate that one or more listed, proposed, or candidate species or Critical Habitat (Designated or Proposed) have been documented in the vicinity of your project. The Endangered Species Act (ESA) gives the US Fish and Wildlife Service (USFWS) regulatory authority over all federally listed species. Please contact USFWS Ecological Services Offices at <http://www.fws.gov/southwest/es/arizona/> or:

**Phoenix Main Office**

2321 W. Royal Palm Rd, Suite 103

Phoenix, AZ 85021

Phone: 602-242-0210

Fax: 602-242-2513

**Tucson Sub-Office**

201 N. Bonita Suite 141

Tucson, AZ 85745

Phone: 520-670-6144

Fax: 520-670-6155

**Flagstaff Sub-Office**

SW Forest Science Complex

2500 S. Pine Knoll Dr.

Flagstaff, AZ 86001

Phone: 928-556-2157

Fax: 928-556-2121

HDMS records indicate that Sonoran Desert Tortoise have been documented within the vicinity of your project area. Please review the Tortoise Handling Guidelines found at: <http://www.azgfd.gov/hgis/pdfs/Tortoisehandlingguidelines.pdf>

Analysis indicates that your project is located in the vicinity of an identified wildlife habitat linkage corridor. Project planning and implementation efforts should focus on maintaining adequate opportunities for wildlife permeability. For information pertaining to the linkage assessment and wildlife species that may be affected, please refer to: <http://www.corridordesign.org/arizona>. Please contact your local Arizona Game and Fish Department Regional Office for specific project recommendations: [http://www.azgfd.gov/inside\\_azgfd/agency\\_directory.shtml](http://www.azgfd.gov/inside_azgfd/agency_directory.shtml).



## Sulphur Springs Valley Electric Cooperative, Inc.

A Touchstone Energy® Cooperative 

### REVIEW

**To:** Jesse Drake-Planner II  
**From:** Ruth Bigelow-Right of Way Agent  
**Date:** 08/13/15  
**Re:** Z-15-07 Pomerene River Estates-Mark Kartchner

---

- SSVEC has no Conflicts with rezoning request

If you have any questions concerning this review please contact me at 520-384-5513 or [rbigelow@ssvec.com](mailto:rbigelow@ssvec.com)





August 13, 2015

Jesse Drake  
Cochise County Planning and Zoning

RE: Kartcher Rezone-Pomerene; parcels 208-59-012C & 208-61-007A

To Whom It May Concern:

The City of Benson received the application for the Kartcher Rezone in Pomerene and submits the following comments.

Under the requested RU-2 zoning, the City acknowledges that the applicants are voluntarily reducing the number of allowable lots under a conservation subdivision while maintaining a significant percentage of open space. The City suggests that the proposed open space be strictly reserved, perhaps via conservation easement, to best ensure the land area is not developed in the future.

The City notes that Benson Volunteer Fire Department is listed as a responding agency. Please be advised that Benson cannot guarantee a response.

The City notes that the application's supplemental information sheet classifies Cascabel Road, the ingress/egress for the subdivision, as a collector. The City questions if existing roads into and out of the area, specifically Cascabel Road and Pomerene Road, can maintain an acceptable level of service with the addition of 295 homes. The city is unaware of how many vehicle trips currently traverse Pomerene Road and Cascabel Road daily, but advises consideration and mitigation of potential off-site circulation problems, such as the left hand turn at the intersection of Pomerene Road and Old Mill Road and the existing curves of Cascabel Road.

Sincerely,

Michelle Johnson, AICP  
120 W. Sixth Street  
Benson, AZ 85602  
Planning and GIS  
520-720-6328  
mjohnson@cityofbenson.com



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### *Pomerene River Estates*

Dear Neighbor,

I am applying for a rezoning of 621± acres bordering Cascabel Road. Approximately half of the proposed neighborhood will be open space along the San Pedro River with its unique mesquite bosques. The remaining 300± acres will be rezoned to allow an overall residential density of approximately one home per two acres.

The rezoning of the property has been requested to allow the neighbourhood to be developed in the future in an acceptable orderly fashion. I would be happy to discuss our plans with you so please call or email me at [caverns22@msn.com](mailto:caverns22@msn.com) or 520 749-1416 if you have any questions.

Sincerely yours,

Mark M. Kartchner

PMB 371 Suite 309  
8987 E. Tanque Verde Road  
Tucson, Arizona 85749  
520 749-1416  
[Caverns22@msn.com](mailto:Caverns22@msn.com)



ATTACHMENT I

94 I

## Special Use Docket Z-15-07 (Kartchner)

☒ YES, I SUPPORT THIS REQUEST

Please state your reasons:

Possibly this kind of Development  
Could increase Property Value for  
The Area.

☐ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

(Attach additional sheets, if necessary)

PRINT NAME(S):

Larry D. & Lora J. Root

SIGNATURE(S):

Larry D. Root  
Lora J. Root

YOUR TAX PARCEL NUMBER: 208-84-004R 2 (the eight-digit identification number found on the tax statement from the Assessor's Office) 208-84-004P4

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RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

OCT. 15+14

ATTACHMENT J

95 J

Anna Lands Response: 2015 08 14

RE: Pomerene River Estates rezoning request for approx. 621 acres from RU4 to RU2 north of Pomerene

The Applicant plans to leave about half of the property, currently in mesquite forest on the banks of and in the floodplain and main channel of the San Pedro River, as open space. This is both laudable (the river corridor is an important cultural and natural resource) and practical (the floodplain is not safely or legally developable for structures).

It is a perfect site to apply good, progressive conservation development practices, since subdivision will have impacts on both cultural and environmental assets. Below are several considerations that could enhance the proposed project and help mitigate the impacts that subdivision fragmentation will have on this acreage.

*Numbered items from the Application Supplemental Information "Rezoning Application Evaluation and Criteria" with comments submitted.*

#### 1 Site Plan

One-acre lot size will result in many roads, overhead utility lines, fences, septic systems, and landscaping irrigation throughout the entire subdivision. Since the proposal is sensitive to the current Tres Alamo Area Plan and the Category D Rural county plan designation, it would be reasonable to consider clustering home sites in smaller lot sizes, thereby leaving more open space that would help preserve the rural nature of the area and the appeal of living there. Protection of these open areas from trash dumping and off-road vehicle use should be enforced.

#### *8. Traffic circulation Criteria*

Regarding the cultural impacts, the proposed 295 homes are actually located about 5 miles ( not 2.5 miles) north of I 10, and most of the ingress-egress traffic will be traveling south on a relatively narrow 2 lane road through Pomerene's residence and farm areas. This will effectively at least triple the traffic currently using the road; probably more as most of the residents will likely be commuters to work and schools. Speeding, in addition to increased numbers, is an issue through this residential and farm area. The speed limits vary from 15 mph through the school crossing zone, 35 mph past the East's dairy, and 25 mph for the balance of the densely populated area. Speeding has been so common and so offensive and dangerous that a speed monitor was placed in town during the summer. Pomerene Road is as much a pedestrian way as it is a vehicular one. These uses should be considered.

#### *11. Unique topographical features*

In the Land Use Concept map provided in the application, a major wash going East-West is labeled as "existing canal". This and any other lesser washes should be given plenty of space to both carry floodwaters to the river as well as provide for wildlife corridors. Housing lots should be planned to accommodate these natural features. Off-road vehicular use of the washes as well as the river corridor should not be permitted, both to promote quiet in the neighborhood as well as protect the integrity of the washes for water recharge, bank stability, and wildlife use.

#### *12. Water Conservation*

It is unclear from the application whether the existing irrigation of the parcel's agricultural fields is coming from relatively shallow wells on the property or from the proposed deeper source for the subdivision.

Water is a sensitive subject in the arid west because we have low rainfall and depend on groundwater collected thousands of years ago which is not being recharged as fast as we are removing it.

Current groundwater laws do not recognize that surface water and all the aquifers are connected, although geologists and hydrologists believe them to be in long-term perspectives. What is known is that our groundwater supplies are diminishing and so conservation of water is a practical principle to follow.

It is also unclear from the application whether the lots will be 'owner built' homes or sold with existing new homes. Either way, water saving appliances, rainwater harvesting both passive and rooftop, and recharge collection areas would be best management practices for water conservation and enhancement and mitigate some of the impacts of subdivision. (See applicant's comments in *15. Compliance with Applicable Area Plan*)

#### *14. Hazardous Materials*

Runoff from more roads, infiltration from septic leach fields, herbicides and pesticides applied around homes, and trash washed into the river bed are all potentially increased with subdivision. Plans that minimize these impacts by keeping runoff under control will help achieve the goals of a conservation subdivision.

There is a need for subdivision planning to be progressive if we are to accommodate more population in our arid region. When a farm is retired and a subdivision replaces it, the open space and potential for dryland or appropriate water-use for food production is forever gone. Now is the time for Cochise County and landowners to plan for a sustainable future that protects the cultural and natural resources we cherish by applying what we know to the land-use decisions we make.

## Special Use Docket Z-15-07 (Kartchner)

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons:

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☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

PLEASE SEE ATTACHED LETTER

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(Attach additional sheets, if necessary)

PRINT NAME(S): VICTOR J MALECKI

SIGNATURE(S): Victor J Malecki

YOUR TAX PARCEL NUMBER: 208370190 (the eight-digit identification number found on the tax statement from the Assessor's Office)

Your comments will be made available to the Planning and Zoning Commission and the Board of Supervisors. Submission of this form or any other correspondence becomes part of the public record and is available for review by the applicant or other members of the public. Written comments must be received no later than 4 PM on Wednesday, August 26, 2015 to be included in the staff report to the Commission, and by Wednesday September 30, 2015 to be included in the staff report to the Board of Supervisors. We cannot make exceptions to these deadlines; however, if you miss the written comment deadline for any staff report you may still mail or send email comments to Jesse Drake at [jdrake@cochise.az.gov](mailto:jdrake@cochise.az.gov) that must be received prior to the public meeting date to have your support or opposition verbally noted at the meeting. You may also personally make a statement at the public hearing on September 9, 2015 for the Planning and Zoning Commission and October 13, 2015 for the Board of Supervisors. NOTE: Please do not ask the Commissioners or Board members to accept written comments or petitions at the meeting; your cooperation is greatly appreciated.

RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603



Jesse Drake

Cochise County Planning Department

NO I DO NOT SUPPORT THIS REQUEST Special Use Docket Z-15-07 (Kartchner)

This development will be built near the beginning of Cascabel Rd. which is a very dangerous section of roadway I know because I live there. It has blind spots, two 90 degree turns and an S dog leg and two different speed signs posted on it. Building 300 new homes down the street will add more then 600 (2 vehicles per house minimum) to this section of roadway. A serious increase to the traffic flow for the neighborhood. The blind spots cause problems for all of the residents who live there from pulling out of their driveways onto Cascabel Rd. most people don't obey the posted speed limits .People Walk their dogs ,jog, ride bikes, ride horses and walk on the side of the roadway on a daily bases. Water consumption has always been a serious concern for the Benson community. How much water will be consumed by 300 new home sites?



Victor J Malecki

1620 N Cascabel Rd

## Special Use Docket Z-15-07 (Kartchner)

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons:

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☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

CONCERNS ABOUT WATER USE  
OPPOSE DENSITY

(Attach additional sheets, if necessary)

PRINT NAME(S): WILFRED BUNDY

SIGNATURE(S):

by telephone to Jesse Drake

APN 208-26-005  
208-26-005A  
208-39-007  
208-39-008  
208-61-003A  
208-61-004

YOUR TAX PARCEL NUMBER: \_\_\_\_\_ (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

## Special Use Docket Z-15-07 (Kartchner)

       YES, I SUPPORT THIS REQUEST

Please state your reasons:

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X

NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

*If more lots are allowed that close to the river then there will be too much septic waste going into the ground, and more water drawn away from the aquifer. We oppose the entire development.*

(Attach additional sheets, if necessary)

PRINT NAME(S): Margaret A. Gingras, Russell T. Gingras

SIGNATURE(S): Margaret A. Gingras  
Russell T. Gingras

YOUR TAX PARCEL NUMBER: 20861912B (the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO: Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

August 23, 2015

Cochise County Community Development

Jesse Drake, Planner I

Ref: Z-15-07 (Kartchner)

I do not support the proposed rezoning request.

Pomerene Rd that turns into Cascabel Road would not support the increase in traffic.

The intersection of Dusty Quail, (the driveway on the opposite side of the road) and Cascabel Rd. is now unsafe and the increase in traffic would make matters worse. There is a small hill just to the west of my property and approximately 50 feet from the intersection. Traffic going north is basically blind until they crest the hill leaving approximately 30 feet to react if a vehicle is entering the roadway.

The fact that you mention the applicant is going to condense the development to allow for 295 one-acre lots is going against the nature of the area and zoning. I believe he wishes to do this to get more homesites. Since much of the land is not useable he therefore is willing to commit 50% to "open space." This is not protecting the land more than a way to skirt the zoning. Keep the lots larger to blend with the surrounding area.

Are we to be penalized because Mr. Kartchner has unusable land?

Mr. Kartchner sent an informative package to many area residents. Some called him and he told them he was doing this for "in the future". Not to be developed right a way. Something for his heirs. In your letter you state that Mr. Kartchner will have to submit a Tentative and Final Plat for the proposed subdivision. This does not sound like "in the future".

The area is rural. Leave it that way. The new development going into Benson will supply plenty of homes for those who do not appreciated the openness of this area.

Then there is the water concern.

Thank you

Voris Dixon

520-221-0935

102 J

## Special Use Docket Z-15-07 (Kartchner)

☐ YES, I SUPPORT THIS REQUEST

Please state your reasons:

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☒ NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

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(Attach additional sheets, if necessary)

PRINT NAME(S):

VORIS DIXON

SIGNATURE(S):



YOUR TAX PARCEL NUMBER: 208-37-003 (the eight-digit identification number found on the tax statement from the Assessor's Office) I recently change to something else I believe

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Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

Special Use Docket Z-15-07 (Kartchner)

COCHISE COUNTY

AUG 27 2015

\_\_\_\_ YES, I SUPPORT THIS REQUEST

Please state your reasons:

PLANNING



NO, I DO NOT SUPPORT THIS REQUEST:

Please state your reasons:

We have laws for our county stating RUS per parcel and we abide by these laws and expect others to do the same.

(Attach additional sheets, if necessary)

PRINT NAME(S):

Joseph Pones

SIGNATURE(S):

Joe Pones

YOUR TAX PARCEL NUMBER:

208260131

(the eight-digit identification number found on the tax statement from the Assessor's Office)

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RETURN TO:

Jesse Drake, Planner II  
Cochise County Planning Department  
1415 Melody Lane, Building E  
Bisbee, AZ 85603

104 J



**Drake, Jesse**

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**From:** Stephen Heins [dawulfy@gmail.com]  
**Sent:** Wednesday, August 26, 2015 3:18 PM  
**To:** Drake, Jesse  
**Subject:** Docket z-15-07 Kartchner

To Jesse Drake concernng the rezoning of parcels Apn 208-59-12c and 208-610007A .Dear sir I am totally against this change in zoning..It will create unsafe road conditions. the roads are to narrow to handle the increase in population of the size he wants to put here , it will drive property taxes UP. create a strain of the school here. that he wants to put 300 homes near the san pedro river will have a devistating effect on the wild life, and finally It will drestroy the rural life style out here that we love so much. I also feel Mr Kartcher was be less the honest with us about his plans and the timing of all this. Please Katchner's must be stopped they've ruined enough of the desert already! thank you. Stephen heins pob 139 pomere AZ 85627. parcel #208-37-015

**From:** [4unborn@powerc.net](mailto:4unborn@powerc.net) [mailto:4unborn@powerc.net]

**Sent:** Monday, August 31, 2015 5:03 PM

**To:** Planning and Zoning

**Subject:** Rezoning

To Whom It May Concern:

Do not threaten the natural and cultural resources of the San Pedro River by approving residential development in its vicinity.

Joel Fago  
10525 E. Cline Ave.  
Hereford, AZ 8561

106 J

-----Original Message-----

From: njsudman [<mailto:njsudman@gmail.com>]

Sent: Monday, August 31, 2015 6:38 PM

To: Planning and Zoning

Subject: Re zoning N of Benson

Dear Planning & Zoning,

I'd like to add my voice to those who have concerns about rezoning for greater density development north of Benson. The impact on the river corridor would be detrimental. Please consider some other option.

Sincerely,

Natalie Sudman

Benson AZ